POLICIES

C o n t e n t s

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POLICIES

No.DS(O&M)5-3/2004/Contract(MF)
Dated the 29th December, 2004

Subject: **CONTRACT APPOINTMENT POLICY**

In the past, contract appointments were made against a few selected posts whereas, the bulk of appointments in the Government sector were made on regular basis. However, during the last few years, it has been increasingly realized that the regular mode of appointment is not suitable for most of the Government sector assignments due to administrative and financial factors.

2. The Government has now generally shifted from regular mode of appointment to the contract mode, in view of the changing management practices and to achieve the goals of good governance in public sector departments/organizations. Despite this major shift in policy, no legal/policy framework, governing various aspects of contract appointment, is available except the general guidelines issued by Finance Department regarding terms and conditions of contract appointment. As a result, a number of confusions keep arising, especially with respect to the contract appointments of persons who are already working on regular basis in the Government sector.

3. To clarify the legal position of contract appointments and to provide policy guidelines for the same, a comprehensive Contract Appointment Policy, has been framed which is hereby issued as under:

I) BACKGROUND OF CONTRACT APPOINTMENTS IN PUNJAB

(i) Historically, contract appointments were made against very few posts in case of:
   (a) Re-employment.
   (b) Development Projects.
   (c) Tenure posts, for example Member PPSC, Ombudsman, etc.

(ii) Contract appointments were started in bulk in Health Department from the year 1996-97 onwards.

(iii) Education Department also shifted to the contract mode of appointment from the year 2000-2001 onwards.

(iv) In June 2003, Finance Department issued a circular letter No.E&A(FD)12-7/2003(P) dated 02.06.2003 stating that all appointments be made on contract, unless otherwise allowed.

(v) Consequently, almost all appointments in Government Departments were made in the contract mode, under the Recruitment Policy- Phase-I.

(vi) Under Recruitment Policy Phase-II issued vide No.SOR-IV(S&GAD)10-1/2003 dated 17.09.2004, it has again been clearly specified that all appointments should be made in the contract mode unless specifically allowed otherwise by the Chief Minister, on the recommendations of the Contract Appointments Regulations Committee (CARC).

II) RATIONALE BEHIND SHIFT TO THE CONTRACT MODE

Financial/economic reasons

(a) Due to financial constraints the Government had imposed ban on recruitments since long, under the Economy Measures.

(b) The Government could not even foot the bill of salaries let alone the pension bill.

(c) The financial burden of the annual pension bill has accumulated to the tune of Rs. 10 billion (approx). The budget estimates of annual pension liability have risen from 1739.230 million in 1990-91 to Rs. 9734.935 million in 2000-05. Such steep increase in the rate of pension liability cannot be sustained by the Province.

Administrative reasons

(a) Large-scale practice of absenteeism of regular Government servants, especially in the case of Health and Education sectors.

(b) The performance of regular employees had become abysmal leading to poor service delivery.

(c) Regular employees became too secure in their service, leading to poor performance.

(d) Cumbersome accountability mechanisms under E&D Rules as well as PRSO, with the result that no meaningful action could be taken against poor performers.

(e) Huge administrative costs on transfers/promotions, etc., of regular employees as administrative machinery remained totally engrossed in these functions instead of focusing on supervisory and policy-making functions.

(f) Regular mode of appointments did not distinguish between better and poor performers, resultantly all and sundry would be promoted to the next higher scale, undeservingly.

(g) No concept of performance based indicators for retention in service resultantly, inefficient and corrupt elements continued in service without any hindrance.

(h) Contract mode of appointments is a preferred mode in all private enterprises providing the employers all the flexibility to tap in the best human resources available in the market. Hence performance in private sector is generally considered much better as compared to the performance in the Government sector.

(i) Latest management practices in the developed world also recommend contract mode of appointments with better pay packages, for improved performance and service delivery, resulting in good governance.

III) NEED FOR POLICY FRAMEWORK FOR CONTRACT APPOINTMENTS

(i) Though Government has made a paradigm shift from regular to contract mode of appointments, no policy framework exists to cover contract appointments.

(ii) No uniform policy of contract appointments exists, therefore, departments have adopted various policies leading to disparities at inter and intra departmental level.

(iii) There is no institutional arrangement for deciding as to whether a certain category of posts is to be filled on contract or regular basis. Resultantly, same category of posts in one department is being filled on regular basis whereas, in other departments it is being filled on contract basis.
(iv) No institutional arrangement for fixing pay packages. Huge disparities in pay packages have, therefore, emerged for same or similar categories of posts.
(v) Contract appointments are being made in various departments without any services rules or without getting the criteria of qualification, etc., approved.
(vi) Numerous problems regarding contract appointments of regular Government servants have emerged e.g., issue of retention of lien, treatment of period spent on contract, pension, etc.

IV) APPOINTMENTS — LEGAL POSITION

(i) Section 4 of the Punjab Civil Servants Act, 1974 provides that appointments to a civil service of the province or to a civil post in connection with the affairs of the province shall be made in the prescribed manner.

(ii) Rule 3(1) of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 provides that appointment to posts shall be made by promotion, transfer or initial recruitment, as may be prescribed.

(iii) Rule 17 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 requires that initial recruitment (either on regular or contract) against all posts in BS-1 and above shall be made on merit after advertisement of vacancies in newspapers.

(iv) The above provisions of the Act and the rules do not specify that initial recruitment/appointments should be made on regular or contract basis. Therefore, appointments to posts reserved for initial recruitment can be made either on contract or regular basis, as per discretion and requirement of the Government.

V) APPOINTMENT ON REGULAR BASIS

Appointment on regular basis is made under the provisions of the Punjab Civil Servants Act, 1974, Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 and relevant Service Rules of the posts in the following manner:

(i) Initial appointment on regular basis to all posts in BS-16 and above is made on the recommendations of the Punjab Public Service Commission.

(ii) (a) As per notification No.SOR-III(S&GAD)1-14/75 dated 24.07.04, initial appointment on regular basis to all posts in BS-11 to 15 of the following departments/attached departments shall be made on

the recommendations of the Punjab Public Service Commission:

(i) Services & General Administration.
(ii) Revenue.
(iii) Finance.
(iv) Police.

(b) Initial appointment on regular basis to the following posts in the departments/attached departments mentioned against each shall also be made on the recommendations of the Punjab Public Service Commission:

(a)	Assistant Superintendent Jail.	Prison
(b)	Assistant Food Controller.	Food
(c)	Excise and Taxation Inspector.	E&T
(d)	Sub Engineer.	I&P
(e)	Sub Engineer.	C&W
(f)	Sub Engineer.	HUD&PHE

(iii) Initial appointment on regular basis in BS-1 to 10 in all departments and against posts in BS-11 to 15, other than those listed at Serial No. (ii) above, shall be made on merit by the relevant committees/boards as notified by the Government.

(iv) Persons appointed on regular basis are governed by the rules framed under the Punjab Civil Servants Act, 1974 such as the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, Service Rules of the post, Leave Rules, Pension Rules etc., or other rules framed under any other law, specific to any category of employees.

VI) APPOINTMENT ON CONTRACT BASIS

(i) Appointment on contract basis is to be made through the appropriate selection committees as notified by the Government.

(ii) Under the provisions of Rule 4 of the Punjab Public Service Commission (Functions) Rules, 1978, contract appointments are excluded from the purview of the PPSC. However the Departments should preferably adopt the channel of PPSC even for contractual appointment against posts, which otherwise fall within the purview of PPSC under Sub Head V above, by seeking relaxation of Rule 4 ibid from the Chief Minister.

(iii) The Service Rules applicable to various posts shall be applicable also in case of appointment on contract basis. If, however, the Service Rules for a post have not been framed, the departments are advised to get them framed in consultation with the Regulations Wing of S&GAD and with approval of the Chief Minister.

(iv) Where Service Rules for posts to be filled on contract basis are not available or where the department intends to adopt qualifications etc., different from those provided in the Service Rules, comprehensive criteria regarding proposed qualification, experience, age, appointing authority etc., may be got approved from the Chief Minister after consultation with the Regulations Wing, as per provisions of sub head VII-2 below.

(v) As a result of shift towards contract appointment, the feeding cadres for posts required to be filled by promotion under the relevant service rules, are expected to diminish. This means that after sometime, regular Government servants may not be available for appointment to posts reserved for promotion under the rules. In order to ensure that the posts do not remain vacant simply on the grounds that regular employees are not available in the feeding cadre for promotion, the Departments should review the existing service rules and propose appropriate amendments so as to add a provision that, "if none is available by promotion then by initial recruitment." Moreover, the qualification, age and experience for initial appointment against such posts shall also be got incorporated in the service rules, if it does not exist already, by placing the case before the Service Rules Committee.

(vi) To provide better prospects for selection (on contract) against higher posts to the contract employees, the departments should carry out an exercise to rationalize the existing service rules. With the depletion of regular employees in the feeding cadre, the percentage of posts reserved for promotion should be reviewed.

(vii) Persons appointed on contract basis are not civil servants, therefore; their service matters shall not be governed by the rules framed under the Civil Servants Act, 1974. Their appointment shall be strictly regulated by the terms and conditions of their contract.

(viii) Appointment on contract basis shall be non-pensionable.

VII) DETERMINATION OF POSTS TO BE FILLED ON REGULAR OR CONTRACT BASIS

As mentioned above, the Government has generally shifted from regular mode of appointment to the contract mode. However, regular appointments can be allowed under special circumstances in individual cases. Therefore, in order to determine as to whether various categories of posts should be filled on regular or contract basis, a Contract Appointment Regulations Committee (CARC) has been constituted vide Notification No.SOR.IV(S&GAD) 12-2/2004 dated 16.04.2004.

1. Constitution of the Committee (CARC)

(i)	Secretary Regulations, S&GAD.	Chairperson
(ii)	Secretary, Punjab Public Service Commission.	Member
(iii)	Additional Secretary (Regulations), Finance Department.	Member
(iv)	Additional Secretary (Management) S&GAD.	Member/ Secretary
(v)	Additional Secretary (Regulations) S&GAD.	Member
(vi)	A representative of A.D. concerned (not below the rank of Additional Secretary. Where the department does not have an Additional Secretary then Deputy Secretary shall represent the Department).	Member
(vii)	Any other Member to be co-opted by the Committee.	

2. Submission of Proposals to the Committee

(i) The departments shall send comprehensive proposals regarding all categories of posts falling under their control to the Regulations Wing with clear recommendations alongwith justification as to whether a specific post/category of posts should be filled on regular or contract basis, as per proforma (Annexure-A) for consideration by CARC.

(ii) Where the department intends to fill the post(s) on contract on the basis of qualification, experience and age limit etc., other than that prescribed in the relevant Service Rules of the said post(s) or where Service Rules for the post do not exist, the department shall propose detail of qualification, experience, age limit etc., required to fill the post(s) with justification and place the case before CARC.

(iii) Where the department intends to make appointment on a pay package different from the Basic Pay Scale of the post, the Department shall provide the detail of pay package and terms and conditions of appointment with full justification for consideration by the CARC.

3. Guidelines/Criteria for Consideration by the Committee

The CARC shall examine the proposals submitted by the Departments for filling in the posts on regular or contract basis on the basis of the following general criteria:

(i) **Financial Responsibility**

The posts, which have no financial responsibility, may be considered to be filled on contract basis in the pay scale of the post while the posts having high levels of financial responsibility be considered for appointment on regular basis or on contract basis with higher pay package.

(ii) **Job Description**

Where the job assigned to a post is of important nature, it may be filled on regular basis or with higher pay package on contract basis while the posts carrying lesser responsibility be considered for appointment on contract basis in the pay scale prescribed for the post.

(iii) **Long Term Experience**

Where the posts in the higher scales of a cadre require long term experience of specific nature in the junior scales then regular appointments may be made in the lower posts so that feeding cadre would remain available for promotions. In the alternative, senior scale posts may be allowed to be filled on contract with higher pay package. However, if the senior post does not require long-term experience in the cadre then contract appointments in pay scale of the post may be considered on junior as well as senior posts.

(iv) **Period of Availability of Post**

In case a post has been created for a specific period then the appointment shall be made on contract basis. Thus project posts shall always be filled on contract basis. The posts created for an indefinite period or permanent basis could only be considered for appointment on regular basis.

4. Recommendations of the Committee/final approval

(i) On the basis of the recommendations of the Committee, the O&M Wing, S&GAD, shall submit a summary to the Chief Minister.

(ii) On receipt of approval of the Chief Minister, the O&M Wing shall convey to the departments the categories of posts which should be filled on regular or contract basis.

VIII) APPOINTMENTS TO BE MADE ON MERIT

(i) Under the Chapter titled “Fundamental Rights” of the Constitution of Pakistan, equality of citizens and safeguard against discrimination in services has been guaranteed. Article 25 of the Constitution provides that all citizens are equal before law and are entitled to equal protection of law while article 27 provides that no citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against.

(ii) Supreme Court of Pakistan in its judgment dated 19.01.1993 in Human Rights Case No. 104 of 1992 stated that recruitments, both ad hoc and regular, without publicly and properly advertising the vacancies, is violative of fundamental rights. As such no post could be filled in without proper advertisement, even on ad hoc or contract basis.

(iii) Under the provisions of Rule 17 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 no post can be filled in without proper advertisement.

(iv) Recruitment Policy, 2004 does not allow appointment of any person without advertisement and in violation of any procedural formalities laid down in the policy.

(v) All posts to be filled on contract shall be advertised properly in at least two leading newspapers, as per rules.

(vi) No relaxation of qualification, experience, physical criteria etc., as provided in the relevant service rules or as determined by the Government shall be allowed, except as prescribed under the rules.

(vii) The relevant Selection Committees shall ensure that contract appointments are made strictly on merit and in accordance with the rules, selection criteria and other provisions of this policy as well as the prevailing Recruitment Policy.

**(viii) The relevant Selection Committee shall prepare a merit list and shall provide it to the Appointing Authority along with its recommendations.

(ix) The merit list shall remain valid for a period of 190 days from the date of recommendations of the relevant Selection Committees and the appointing authority shall complete the process of appointment within the said period.

(x) No request for extension in the joining time as specified in the offer of appointment shall be entertained.

(xi) If a person, to whom offer of appointment has been issued, fails to join the post within the period specified in the said offer of appointment or where a written refusal is received from a selectee, his/her selection shall stand cancelled and next person on the merit list may be offered the job.

(xii) In case a person joins the job and leaves the same within the period of 190 days, then the appointing authority may offer the job to the next person on the merit list.

IX) ELIGIBILITY FOR APPOINTMENT

(i) Article 27 of the Constitution of Islamic Republic of Pakistan provides that no citizen, otherwise qualified for appointment in the Service of Pakistan (which includes Federal as well as Provincial Service) shall be discriminated against in respect of any such appointment on the ground of race, religion, caste, sex, residence or place of birth.

(ii) Article 27 (2) of the Constitution provides that the Provincial Government may prescribe the condition of residence in the province prior to appointment against any post under the provincial Government or authority.

(iii) Rule 20 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 requires that posts in connection with the affairs of the province shall be filled from persons domiciled in the province of Punjab, in accordance with merit.

(iv) From the above provisions of Constitution/law, it is clear that all persons who are domiciled in Punjab are eligible for appointment on merit either on regular or on contract basis, against any post in any department, attached department, autonomous body, district Government, etc., provided they are otherwise eligible i.e., they meet the criteria/requirements of qualification, experience, age

**New clauses (viii) to (xii) inserted vide Notification No. DS(O&M)5-3/2004/Contract (MF) dated 14.03.2009.

limit, etc., as provided in the service rules for the post or as prescribed by the competent authority/Government.

(v) The existing regular/confirmed Government servants are eligible for appointment on contract basis and the issues regarding their lien etc., to their permanent substantive posts shall be dealt with under the provisions of this Policy.

(vi) Under Section 13(1) of the Punjab Civil Servants Act, 1974, a retired Government servant is not eligible for appointment either on regular or on contract basis. Thus all categories of retired Government servants are not eligible for initial appointment against Government posts except under the provisions of Re-employment Policy. The various kinds of retirement are explained as under:

(a) Retirement on attaining the age of superannuation i.e., 60 years under Section 12(1)(ii) of the Punjab Civil Servants Act, 1974.

(b) Compulsory retirement under Section 12(1) of the Act ibid after completion of 20 years service.

c) Compulsory retirement under the provisions of Punjab Civil Servants (E&D) Rules or Punjab Removal from Service (Special Powers) Ordinance, 2000.

(d) Retirement on grounds of invalidation under rule 3.3 of Punjab Civil Service Pension Rules.

(e) Optional retirement after completion of prescribed qualifying service for pension, under rule 3.5 of the Punjab Civil Service Pension Rules.

(vii) Retired armed forces personnel are eligible for appointment on contract basis on merit only at the time of making general recruitment through advertisement against civil posts, provided they are otherwise eligible for appointment, under the rules.

X) RELAXATION IN UPPER AGE LIMIT FOR CONTRACT APPOINTMENT

(i) 05 years relaxation in upper age limit shall be allowed, across the board, for contract appointment against all categories of posts in BS-1-17 (except Police) upto 30.06.2005, as provided in the Recruitment Policy, 2004.

(ii) Any general relaxation in age limit allowed by the Government from time to time, shall be applicable in the case of contract appointments also.

‡(iii) The age relaxation allowed under Punjab Civil Servants Recruitment (Relaxation of Upper Age Limit) Rules, 1976, and the Punjab Delegation of Powers (Relaxation of Age) Rules, 1961 shall be applicable in the case of contract appointments.

(iv) In all cases, age relaxation shall be given across the board as per above provisions and shall appear as a part of the advertisement and shall not be allowed in individual cases. This will obviate the

‡Para-3(X)(iii) substituted vide Notification No. DS(O&M)5-3/Contract(MF) dated 19.01.2012.

necessity of individuals approaching various authorities for getting age relaxation.

(v) Where a person has rendered service on contract basis or on regular basis under the Punjab Government, the period spent by him in such service shall, for the purpose of upper age limit prescribed under any rule for appointment to any service/post, be excluded from his age. However, the upper age limit shall not exceed 35 years for recruitment to any post to be filled on the recommendations of the Punjab Public Service Commission, on the basis of the Combined Competitive Examination, as laid down under the relevant rules.

(vi) Where contract appointments are made against posts where the upper age limit for a post to be filled on contract basis has already been enhanced by the department (e.g., in the case of Educators, etc., of Education Department) as against the age limit prescribed in the service rules, no relaxation in the upper age limit shall be allowed.

•XI) MAINTENANCE OF PRESCRIBED QUOTAS

(i) The following quotas already provided under various notifications shall continue to be observed for appointments on contract basis:

- (a) 2% quota for disabled persons, as prescribed vide Notification No. SOR-III-2-86/97 dated 28.02.1999.
- (b) 5% quota for women as prescribed vide Notification No. SOR-III-1-35/93 dated 17.04.2002.
- (c) 20% quota of posts in BS-1 to 5 for the children of serving/retired Government employees in BS-1 to 5, as prescribed vide Notification No. SOR-III-1-22/90 dated 01.09.1993.
- @(d) 5% quota for minorities.

Explanation: The posts reserved for quotas mentioned above are to be filled only at the time of making general recruitment through advertisement, under the Recruitment Policy. If general recruitment against any category of posts is being made on contract basis, appointments against above-mentioned quotas shall also be made on contract basis.

(ii) The provision of rule 17-A of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 and the relevant instructions/guidelines issued in this behalf from time to time shall be applicable mutatis mutandis for employment of one of the unemployed children, wife/widow of a civil servant who dies while in service or is declared invalidated/incapacitated, under this policy.

•Sub-para XI of para 3 substituted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 05.08.2006.

@*Related instructions about 'quota for minorities' are available at page 28 and 29.*

Explanation: The nature of employment so provided shall be dependent on the mode of recruitment viz. contract or regular, as may be decided by the Government in respect of a particular post.

The instructions issued vide S&GAD letter No. SOR-III-2-42/92(P-III), dated 15.11.2003 shall stand withdrawn with immediate effect.

XII) GUIDELINES FOR FIXING TERMS AND CONDITIONS OF CONTRACT APPOINTMENTS

(i) The terms and conditions of contract shall be settled by the Administrative Department in accordance with the provisions of this Policy and the terms and conditions specified thereunder, where appointment is made in prescribed pay scale of the post.

(ii) Where appointment is made on a pay package other than the basic pay scales, the terms and conditions of appointment shall be settled by the Administrative Department in consultation with the Finance Department as per approval of the Chief Minister, obtained on the recommendations of the Contract Appointment Regulations Committee.

(iii) In all contracts, it shall be clearly provided that the services of the contract employee are liable to be terminated on one month's notice or on payment of one month's pay in lieu thereof, on either side, without assigning any reason.

(iv) Comprehensive guidelines for fixing terms & conditions of contract appointments are given at Annexure B. The Departments/organizations must strictly abide by these guidelines.

(v) Appointment/service on contract basis shall be non-pensionable.

(vi) A contract employee shall, under no circumstances, claim conversion of his contract appointment into regular appointment.

XIII) PAY PACKAGE

To attract the best human resource available in the province, the policy envisages better pay packages for contract appointments. Two broad categories of pay packages that may be offered are described as under:

(i) Where appointment is made in the prescribed pay scale of the post:

(a) package of pay and allowances as per pay scale of the post.

(b) 30% of the minimum of pay scale as social security benefit in lieu of pension.

Provided that persons who are already retired and getting pension shall not be eligible for this benefit when re-employed on contract.

(c) Any ad hoc/special relief etc., given to the regular Government servants shall also be admissible to the contract employees.

(d) Annual increment as per pay scale of the post.

♦(e) A confirmed civil servant when appointed on contract under the Government of the Punjab or its subordinate offices/organizations/institutions, shall draw pay and allowances as per terms and conditions of the contract. However, he shall be entitled to claim any protection of the basic pay scale, increments and allowances last drawn by him against his substantive posts; and

Where an existing contract appointee of the Federal or Provincial Government is appointed on contract against another post under the Government of the Punjab or its subordinate offices/organizations/institutions and there is no gap between his previous contract appointment and fresh contract appointment, he shall be entitled to get his pay and allowances fixed after adding the increments which he may have earned during the preceding contract appointment.

✦(ii) Where appointment is made on pay package other than the pay and allowances prescribed under the National Pay Scales:

(a) A package of pay & allowances as approved by the Chief Minister on the recommendations of the Contract Appointment Regulations Committee, keeping in view the specific requirements, including qualification, etc., of the job.

(b) Any ad hoc/special relief, etc., given to the regular Government servants, shall not be admissible.

(c) Annual increment shall not be allowed unless specifically provided in the pay package.

@XIII-A) FINANCIAL ASSISTANCE TO THE FAMILY OF A CONTRACT EMPLOYEE WHO DIES WHILE IN SERVICE

Financial assistance shall be provided to the family of a contract employee who dies while in service according to the following terms and conditions:

(i) Financial assistance in accordance with Finance Department's circular letter No.FD.SR.1/3-10/2004, dated 10.11.2004 in the case of death of a contract employee during his service. In case of a contract employee serving in a district, the sanction order shall be issued by the District Coordination Officer while in case of a contract employee serving at the provincial level, the

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♦Clause (e) added vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 02.08.2007.

✦For further clarification, vide letter No. DS(O&M)5-3/2004/Contrract/MF dated 22.8.2005.

@Sub-para XIII-A inserted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 13.02.2009.

Administrative Secretary shall issue the sanction order in respect of the employee.

(ii) No Financial assistance in terms of Finance Department's circular letter No.FD.SR.1/3-10/2004, dated 10.11.2004 shall be allowed to a contract employee whose appointment has been made on pay package other than the pay and allowances prescribed under the National Pay Scales.

(iii) Notwithstanding anything contained in clause (ii) above, a contract employee recruited against fixed pay package which is equal to or slightly higher or lower than the National Pay Scale shall be entitled to financial assistance in terms of Finance Department's circular letter No.FD.SR.1/3-10/2004, dated 10.11.2004. In case of any ambiguity or doubt, the Administrative Secretary/ District Coordination Officer may refer the matter to Finance Department for necessary advice.

XIV) PERIOD OF CONTRACT APPOINTMENT AND EXTENSION IN CONTRACT

(i) The period of initial contract appointment shall be between 3 to 5 years.

(ii) Where the post has been created for a specific period (e.g. projects posts) the period of initial contract appointment shall be 3 years or the period for which the post has been created, whichever is less.

(iii) Contract employee shall not claim extension in his contract appointment as a matter of right.

✦(iv) Extension in contract appointments may be granted by the relevant appointing authorities. Prior approval of the Chief Minister shall be obtained in all cases for extension in the period of contract appointment.

(v) Extension in contract appointments shall not be granted as a matter of routine. The appointing authorities shall take into consideration the performance of the contract employee and extension in contract shall only be recommended if his performance remained good/very good.

(vi) Extension in contract appointment shall generally be granted for a period of 3-5 years and shall not be granted for an indefinite period.

(vii) Ban on recruitment shall not be applicable in case of extension in contract period of existing contract employees.

(viii) Decision regarding extension in contract appointment must be made by the relevant authorities well before the expiry of the contract period of an employee, after seeking approval of the Chief Minster.

✦For further clarification, vide letter No.DS(O&M)5-3/2004/Contrract/MF dated 22.08.2005.

(ix) On expiry of the contract appointment, if no extension is granted, it must be ensured that the contract employee is not allowed to continue in service. Appointing Authorities concerned and the office of the Accountant General, Punjab/District Accounts Officers must remain vigilant in this respect and ensure that salaries are not released to a contract employee whose period of contract appointment has expired or whose contract appointment has been terminated.

@XV) CONTRACT APPOINTMENTS TO BE NON-TRANSFERABLE

(i) A contract appointment shall be post specific and non-transferable and a contract appointee shall in no circumstances, claim as of right his transfer from one post to another.

(ii) The Departments shall ensure that a disabled person appointed on contract is adjusted against the post in the cadre as near to his home station as possible irrespective of his position on merit.

(iii) Nothing contained in clause (i) above, shall preclude the competent authority, for reasons to be recorded in writing, to allow one-time transfer during the tenure of 3 to 5 years as a special dispensation. Further, a woman employee may be allowed an additional chance of transfer to the place of residence of her husband. However, local candidates may be adjusted locally so that the demand for further transfer may not arise.

XVI) MONITORING AND EVALUATION OF PERFORMANCE OF CONTRACT EMPLOYEES

(i) Appointing/Supervisory authorities must remain vigilant regarding performance of contract employees. They must monitor their working on regular basis to ensure that inefficient and corrupt elements are not allowed to continue in service.

(ii) The performance of contract employees shall be assessed on annual basis, by the immediate superior authorities as per a simplified proforma at Annexure-C.

(iii) The Departments should, however, develop their own performance evaluation proformae, keeping in view the specific measurable performance indicators of various posts, in order to make a meaningful assessment of performance.

(iv) The decision regarding extension in contract appointment shall be made by the appointing authorities on the basis of the Performance Evaluation Reports of the contract employee.

@Para (XV) substituted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 21.05.2012.

XVII) TERMINATION OF CONTRACT APPOINTMENT

(i) Contract appointment is liable to be terminated on one month's notice or one month's pay, in lieu thereof, on either side without assigning any reason.

(ii) Since the Government has shifted from regular mode of appointment to the contract mode in general, there is a need to ensure that sufficient safeguards are provided against arbitrary termination of contract employees and such employees are given a reasonable security with respect to the terms and conditions of their contract service. Appointing Authorities should, therefore, ensure that contract appointments are generally not terminated before the expiry of the term of contract, unless it is clearly determined that performance of a contract employee is unsatisfactory or he is guilty of inefficiency, misconduct or corruption.

♦(iii) Where a contract employee applies through proper channel for another post under the Federal or Provincial Government or its subordinate offices/organizations/ institutions, in the event of his selection, he shall not be required to deposit one month pay in lieu of one month notice to quit the job.

XVIII) POLICY FRAMEWORK FOR REGULAR GOVERNMENT SERVANTS WHO ARE APPOINTED ON CONTRACT BASIS IN GOVERNMENT SECTOR

1. Eligibility

(i) A confirmed civil servant is eligible to apply for appointment on contract basis against a post in connection with the affairs of the Province, in an administrative department, attached department/ office/institution, autonomous body, corporate body etc., set up by the Government of the Punjab or in any District Government in the Punjab.

(ii) Before applying for such an appointment, a civil servant must obtain prior approval of his appointing authority as required under the provisions of the Punjab Civil Services (Application for Posts) Rules 1987.

(iii) A civil servant, retired on superannuation or earlier on any grounds, shall not be eligible for appointment on contract basis.

2. Pay and Allowances

A confirmed civil servant when appointed on contract shall draw pay and allowances as per terms and conditions of contract. During his contract appointment he shall not be entitled to claim any protection of the pay, last drawn by him against his substantive post.

3. Terms and Conditions of Contract

(i) Contract appointment of a civil servant shall be governed by the terms and conditions as provided in the contract, including issues of leave, T.A./D.A., medical facilities, etc.

♦Clause (iii) added vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 02.08.2007.

**(ii) A confirmed civil servant when appointed on contract shall draw pay and allowances as per terms and conditions of contract.

4. Retention of Lien

A confirmed civil servant when appointed on contract basis against any Government post in connection with the affairs of the Province, shall retain his lien against his original substantive post.

5. Pension for the Period Spent on Contract

Period spent on contract basis shall not be counted towards pension.

6. Pay Fixation on Repatriation to Original Substantive Post

On return from contract appointment to his original substantive post, the pay of a civil servant shall be fixed by adding the annual increments for the period spent on contract; provided that no arrear on account of re-fixation of pay or increment shall be admissible.

7. Seniority & Promotion in the Original Cadre

(i) Where contract appointment is upto 5 years:

a. Where a civil servant, during the period of contract appointment, becomes due for promotion in his own cadre or service, he shall be deferred for promotion and shall only be eligible for consideration for promotion on his return from the contract appointment.

b. Where a civil servant is promoted on his return from contract appointment, he shall not be eligible for grant of proforma promotion. However he shall be allowed to retain his original seniority in his cadre.

(ii) Where contract appointment continues beyond five years:

a. The name of such civil servant shall be removed from the seniority list of his cadre and he shall be placed on a separate static list. He shall have no claim to promotion or to seniority over any junior who may have been promoted during the period spent on contract beyond 5 years.

b. His name shall be brought back on the seniority list only after he resumes duty.

c. On return, his seniority shall be determined after deducting the period he remained on contract beyond five years.

d. On his promotion, he will not regain his original seniority.

(iii) The period spent on contract basis, against an equivalent or a higher post in the cadre, shall count towards experience for the purposes of promotion in the cadre, on repatriation from contract appointment.

**Clause (ii) amended vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 10.09.2007.

8. Disciplinary Proceedings

If a civil servant is found to be inefficient or guilty of misconduct or corruption during the period of his contract appointment, he shall be liable to be proceeded against under the prevailing disciplinary law/rules of the Punjab Government, in addition to the termination of his contract appointment.

9. Termination of Contract

Contract appointment of a civil servant may be terminated as per terms & conditions of his contract, without assigning any reason. On termination of contract, such civil servant shall immediately report to his parent department/organization.

10. Contribution towards General Provident Fund

A civil servant, when appointed on contract basis, shall not contribute towards G.P. Fund.

11. Contribution towards Benevolent Fund & Group Insurance

A civil servant when appointed on contract basis shall contribute towards Benevolent Fund and Group Insurance as per prevailing rules. The rate of contribution of Benevolent Fund/Group Insurance will be the same as was applicable to him against his substantive post just before appointment on contract basis. He will also be entitled to the benefits admissible under the Benevolent Fund and Group Insurance rules, applicable to him.

4. This issues with the approval of the Chief Minister Punjab. All the Administrative Departments/Authorities are requested to ensure strict compliance of this policy, at all levels.

ANNEXURE-A

PROFORMA RECOMMENDING CATEGORIZATION OF THE POSTS TO BE FILLED ON REGULAR OR ON CONTRACT BASIS

Sr. No.	Name of the Dept.	Funct-ional Unit	Nomen-clature & Basic Pay Scale of the Post	Job Description in brief	Financial Rsespon-sibility of the post, if any	Method of recruit-ment as prescribed in service rules	Qualification as prescribed in service rules	*Suggested mode of appointment /proposed pay package (if any)	Justification for the proposal in column 10
1	2	3	4	5	6	7	8	9	10

* (i) On regular basis; or
(ii) On contract basis;
  a. as per prescribed pay scale of the post, or
  b. with pay package other than prescribed pay scale of the post,
  c. with qualification/experience/age limit other than prescribed under the service rules.

GUIDELINES FOR FIXING TERMS AND CONDITIONS OF CONTRACT APPOINTMENTS

1. **Pay Package**

i) Where appointment is made in the prescribed pay scale of the post.

(a) package of pay and allowances as per pay scale of the post.

(b) 30% of the minimum of pay scale as social security benefit in lieu of pension.

Provided that persons who are already retired and getting pension shall not be eligible for this benefit.

(c) Any ad hoc/special relief, etc., given to the regular Government servants shall also be admissible to the contract employees.

(d) Annual increment as per pay scale of the post.

♦(e) A confirmed civil servant when appointed on contract under the Government of the Punjab or its subordinate offices/organizations/ institutions, shall draw pay and allowances as per terms and conditions of the contract. However, he shall be entitled to claim any protection of the basic pay scale, increments and allowances last drawn by him against his substantive posts; and

Where an existing contract appointee of the Federal or Provincial Government is appointed on contract against another post under the Government of the Punjab or its subordinate offices/organizations/institutions and there is no gap between his previous contract appointment and fresh contract appointment, he shall be entitled to get his pay and allowances fixed after adding the increments which he may have earned during the preceding contract appointment.

(ii) Where appointment is made on pay package other than the pay and allowances prescribed under the National Pay Scales.

(a) A package of pay & allowances as approved by the Chief Minister, keeping in view the specific requirements including qualification, etc., of the job.

(b) Any ad hoc/special relief, etc., given to the regular Government servants, shall not be admissible.

(c) Annual increment shall not be allowed unless specifically provided in the pay package.

♦ Clause (e) added vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 02.08.2007.

**1-A. (i) Financial assistance in accordance with Finance Department's circular letter No.FD.SR.1/3-10/2004 dated 10.11.2004 in the case of death of a contract employee during his service. In case of a contract employee serving in a district, the sanction order shall be issued by the District Coordination Officer while in case of a contract employee serving at the provincial level, the Administrative Secretary shall issue the sanction order in respect of the employee.

(ii) No Financial assistance in terms of Finance Department's circular letter No.FD.SR.1/3-10/2004, dated 10.11.2004 shall be allowed to a contract employee whose appointment has been made on pay package other than the pay and allowances prescribed under the National Pay Scales.

(iii) Notwithstanding anything contained in clause (ii) above, a contract employee recruited against fixed pay package which is equal to or slightly higher or lower than the National Pay Scale shall be entitled to financial assistance in terms of Finance Department's circular letter No.FD.SR.1/3-10/2004, dated 10.11.2004. In case of any ambiguity or doubt, the Administrative Secretary/District Coordination Officer may refer the matter to Finance Department for necessary advice.

2. **Medical Fitness Certificate**

The selected candidate will appear before the competent medical authority/board, as per directions of the appointing authority for medical examination and on having been declared medically fit he will be able to join service.

3. **Tenure**

The contract shall be generally for a period of 3 to 5 years from the date of joining. However, the period of contract appointment may be curtailed in the following cases;

(a) Where the post exists for a lesser period e.g. 'Project Post'.
(b) Where the tenure of post is fixed as per provisions of law.
(c) Where a person is re-employed as per provisions of Re-employment Policy.

4. **Pension**

Appointment/service on contract basis shall be non- pensionable.

5. **Contributory/G.P. Fund**

(a) The employer shall not pay any pension or Contributory Provident Fund.
(b) The employee shall also not contribute General Provident Fund.

6. **Contribution towards Group Insurance/Benevolent Fund**

(a) The contract employee shall not contribute towards Group Insurance and Benevolent Fund.
(b) A civil servant employed on contract shall contribute towards Group Insurance and Benevolent Fund as per rules.

**Inserted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 13.02.2009.

7. **Leave**

♣(a) Casual Leave not exceeding 24 days per year shall be admissible. The competent authority may grant 10 days Casual Leave at a time or, in special circumstances 15 days Casual Leave at one time;

(b) 90 days maternity leave with pay (in case of female employees only), once in the tenure of five years, shall be admissible.

(c) Leave on medical grounds without pay shall be admissible on production of medical certificate by the competent authority as per Punjab Medical Attendance Rules, 1959. However, if medical leave continues beyond 3 months, his contract shall be liable to be terminated.

(d) The person appointed against non-vocational post shall earn 10 days leave per year to be availed by him during the tenure.

♥(e) The persons appointed against vacational posts shall be entitled to avail the vacation as admissible to the regular employees working against such posts in accordance with the rules/policies of the concerned Administrative Departments/Institutions.

♦(f) Hajj leave for 45 days with full pay may be allowed to contract appointee once during the tenure of 5 years. Further Hajj Leave during the extended period of contract appointment shall generally not be granted. However, the competent authority may allow 30 days Hajj Leave under special circumstances for the 2nd time, but such leave shall be without pay.

*(g) Leave for Umra up to 15 days without pay may be allowed to the contract appointee once during his tenure.

@@(h) Special leave (1) A female contract employee, on the death of her husband, may be granted special leave on full pay, when applied for, for a period not exceeding one hundred and thirty days.
(2) Such leave shall not be debited to her leave account.
(3) Such leave shall commence from the date of death of her husband and for this purpose she will have to produce death certificate issued by the competent authority either along with her application for special leave or, if that is not possible, the said certificate may be furnished to the leave sanctioning authority separately.

8. **Medical Facilities**

Medical facilities as admissible to the regular employee of his scale under the rules.

9. **Traveling Allowance/Daily Allowance**

(a) TA/DA as applicable to the regular employee of his scale under the rules.

♣Clause (a) substituted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 02.08.2007.

♥Sub-para (e) added vide Notification No. DS(O&M)5-3/2004/Contract Policy (P-I) dated 13.09.2006.

♦Clause (f) added vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 02.08.2007.

*Clause (g) added vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 10.01.2008.

@@Clause (h) added vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 20.01.2011.

(b) Where a person is appointed on a package other than normal pay scale, TA/DA will be admissible as provided in the pay package.

@10. **Transfer/Posting**

(a) A contract appointment shall be post specific and non-transferable and a contract appointee shall in no circumstances, claim as of right his transfer from one post to another.

(b) Nothing contained in clause (a) above, shall preclude the competent authority, for reasons to be recorded in writing, to allow one-time transfer during the tenure of 3 to 5 years as a special dispensation. Further, a woman employee may be allowed an additional chance of transfer to the place of residence of her husband. However, local candidates may be adjusted locally so that the demand for further transfer may not arise.

11. **No right of Regular Appointment**

Contract appointments shall not confer any right of regular appointment nor shall such appointment be regularized under any circumstances.

@@12. **Training**

The contract appointee shall have to undergo essential training programme, as may be prescribed. The nomination and duration of training shall be regulated as under:

(i) The contract employees of the Departments may be nominated to training facilities, becoming available, irrespective of the fact whether the facility is available within the country or abroad.

(ii) In case a training facility, relevant and beneficial to the Department becomes available, preference will be given to the contract employee of the Department who has a lien as a regular employee.

(iii) In case, a regular employee is not available, a contract employee may be nominated, who is otherwise eligible for the said facility, and has put in at least one year of service.

(iv) In case of nomination of a contract employee, the appointing authority may grant him EOL without pay for the period of study.

(v) The period of study shall not exceed one year. If, however, the contents of the course of study cannot be completed in one year, the same may be extended for a further period of one year with the approval of the Chief Minister, Punjab.

(vi) The Secretary of the concerned department should obtain a surety bond from the contract employee to the effect that after receiving training, he will join back and serve the department at least for a period of two years.

@Sr.No. 10 substituted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 21.05.2012.

@@Sr. No.12 substituted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 18.06.2010.

13. **Performance Evaluation**
The performance of the appointee shall be assessed/evaluated on regular basis keeping in view his efficiency and conduct as per provisions of Contract Appointment Policy.

14. **Appointment on the basis of forged/bogus documents**
If, at any stage, it is discovered that the person appointed on contract had obtained the appointment on the basis of forged/bogus documents or through deceit by any means, the appointment shall be considered to be void ab initio and he shall be liable to refund all amounts received from the Government as a consequence of appointment in addition to such other action as may be taken against him under the law.

15. **Recovery of loss caused to the Government**
Recovery of any pecuniary loss caused to the employer shall be effected from the contract employee.

16. **Performance of duties**
The employee shall be liable to perform duties, in public interest, as may be entrusted to him by competent authority from time to time.

17. **Interpretation of the Terms & Conditions**
The interpretation of the terms and conditions and the decision of the competent authority in this behalf shall be final.

18. **Termination of Contract**
Contract appointment shall be liable to termination on one-month's notice or on payment of one-month pay in lieu thereof, on either side, without assigning any reason.

♦19. **Application for Employment in other Departments**
A contract employee shall not apply for employment in other Government Departments, Autonomous Bodies or private organizations without prior permission, in writing, of his appointing authority.

♦Sr. No. 19 added vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 14.05.2007.

ANNEXURE-C

For all Categories
of contract employees

CONFIDENTIAL

GOVERNMENT OF THE PUNJAB
______________DEPARTMENT
PERFORMANCE EVALUATION REPORT
For the period____________to_____________

PART-I

1. Name (in block letters) with Father's name
2. Date of Birth
3. Domicile
4. B.S. with present pay
5. Post held during the period
6. Academic/professional qualifications
7. Period served:
   (a) in present post
   (b) under reporting officer
8. Signature of the official reported upon with date

I. INTEGRITY

Honest	Reported to be corrupt	Believed to be corrupt

II. OVERALL GRADING

Comparing him with other employees of the same level and keeping in view the evaluation on account of personal qualities, attitudes, proficiency in job, integrity, efficiency, punctuality, etc., give your general assessment of the employee by initialing the appropriate box below:

(i)	Very Good	
(ii)	Good	
(iii)	Average	
(iv)	Below Average	
(v)	Poor	

III. USEFULNESS FOR RETENTION/EXTENSION IN SERVICE

Useful	Not Useful

Name of the Reporting Officer___________ Signature______________
(Capital letters)
Designation__________________________ Date_________________

No.DS(O&M)5-3/2004/Contract/MF
Dated the 22nd August 2005

Subject: AMENDMENTS IN THE CONTRACT APPOINTMENT POLICY

In pursuance of this department's circular No.DS (O&M)5-3/2004/ Contract/(MF) dated 29.12.2004 the Government of Punjab generally shifted from regular mode of appointment to the contract mode wherein a comprehensive Contract Appointment Policy was issued with the approval of the Chief Minister, Punjab to cover various aspects of contract appointment. Since notification of the said Policy, some issues have emerged as its natural corollary. To resolve these issues, the following amendments have been made with the approval of the Chief Minister, Punjab:

i) The Contract Appointment Policy dated 29.12.2004 shall prevail across the board in supersession of all policies of contract appointment, earlier framed by the Administrative Departments separately. However, where the departments find sufficient justification in favour of the terms and conditions under their own policy, they may place the case before the Contract Appointment Regulations Committee, which after deliberation may submit the case to the Chief Minister through Finance Department for final orders.

ii) Where contract employees were appointed in the prescribed pay scale of the post prior to the issuance of the Policy on 29.12.2004, the rterms and conditions prescribed in para 3(XIII)(i) of this Policy shall automatically become applicable, as under these terms, 30% of the minimum of pay scale is allowed as social security benefit in lieu of pension.

iii) Where contract appointments were made on fixed pay or pay which is less or equal or slightly higher than the pay scale of the post, the departments concerned should bring such appointments within the framework of the Contract Appointment Policy ibid and the terms and conditions of such employees may be re-fixed in accordance with para 3(XIII)(i) of the Policy dated 29.12.2004, after getting approval of the Finance Department.

♦iv) Where contract appointees have been offered considerably handsome pay packages, the same may continue and be considered as appointments made under para 3(XIII)(ii) of the Contract Appointment Policy – 2004.

v) Appointing authorities are allowed in terms of para 3(XIV)(iv) of the Policy ibid, to grant extension in contract period at their own level without seeking prior approval of the Chief Minister in each case. However, in cases where the Chief Minister is the appointing authority, his approval would remain mandatory as already required under the Contract Appointment Policy – 2004.

2. The above policy guidelines/clarifications may be read in addition to those circulated earlier on 29.12.2004 under the same policy.

♦Para 1[(iv) & (v)] and para 2 substituted vide 'Corrigendum' No. DS(O&M)5-3/2004/ Contract/MF dated 21.10.2005.

No.DS(O&M)5-3/2004/Contract/MF
Dated the 3rd September 2007

Subject: AMENDMENTS IN THE CONTRACT APPOINTMENT POLICY

Kindly refer to the Contract Appointment Policy issued by this Department vide letter No. DS(O&M)5-3/2004/Contract(MF) dated 29th December, 2004.

2. The Contract Appointment Policy has recently been amended vide letter No. DS(O&M)-5-3/2004/Contract(MF), dated 2nd August, 2007 (copy enclosed) to provide, inter-alia, for contract employees. In order ensure timely sanction of Hajj Leave, the Chief Minister has been pleased to allow the District Coordination Officers (DCOs) in the Punjab to exercise the powers of competent authority to sanction Hajj Leave in respect of contract employees working in their respective districts but whose Leave Sanctioning Authority is at provincial level (Head of Administrative Department or Head of Attached Department). The DCOs will, however, be responsible to inform the concerned competent authorities about sanctioning of the leave simultaneously.

3. Further necessary action may kindly be taken accordingly.

NO.SOR-III(S&GAD)2-42/2007
Dated the 7th May 2008

Subject: APPOINTMENT UNDER RULE 17-A OF THE PUNJAB CIVIL SERVANTS (APPOINTMENT AND CONDITIONS OF SERVICE) RULES, 1974–CLARIFICATION REGARDING APPOINTMENT ON CONTRACT BASIS

In order to provide job to a child/widow/wife of a deceased/invalidated Government servant under Rule 17-A of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 against the posts meant for contract appointment an amendment was made in Contract Appointment Policy 2004 vide circular letter No. DS(O&M)5-3/2004/Contract(MF), dated 5th August 2006, wherein it was clarified that nature of such employment was dependent on the mode of recruitment, i.e., contract or regular as may be decided by the Government in respect of particular post.

2. In spite of the clear instructions as stated above, some departments/ authorities approached the Regulations Wing, S&GAD seeking advice to make recruitment under Rule 17-A on regular basis or to convert the contract appointment of such employees into regular appointment quoting an advice of Law & Parliamentary Affairs Department given in an individual case. The issue was, therefore, taken up with the Law & Parliamentary Affairs Department to clear the position. The Law Department vide letter dated 25.04.2008 endorsed the views of Regulations Wing, S&GAD that the Contract Appointment Policy 2004 and the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 have separate and independent scope.

3. Attention is invited to para XII (vi) of the Contract Appointment Policy that clearly provides that under no circumstances the Contract Appointee can request for conversion of his contract appointment into regular appointment. It is once again reiterated that job against posts in BS-1 to 5 and Junior Clerk (BS-7) can be provided to child or widow/wife of a Government servant who dies while in service or is declared invalidated/incapacitated for further service on contract basis under the Contract Appointment Policy 2004.

4. All concerned are, therefore, requested to implement the above instructions in letter and spirit.

No.DS(O&M)5-3/2004/Contract/MF
Dated the 14th October 2009

NOTIFICATION

The Chief Minister of the Punjab has been pleased to direct that all Autonomous/Semi-Autonomous Bodies/Special Institutions in the Punjab shall make appointments on regular basis of the contract appointees in BS-1 to 15 in line with the Services & General Administration Department notification No. DS(O&M)5-3/2004/Contrrract(MF), dated 14.10.2009 (copy enclosed).

No.DS(O&M)5-3/2004/CONTRACT(MF)
Dated the 14th October, 2009

NOTIFICATION

In exercise of the powers conferred upon him by rule 23 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, the Chief Minister, Punjab is pleased to order appointments, on regular basis, in relaxation of the relevant service rules, of the employees in BS-1 to 15, recruited on contract basis under the provisions of the Contract Appointment Policy issued by the S&GAD in 2004 against the posts presently held by them in various Government Departments of the Punjab, with immediate effect. However, the contract employees working against posts in various projects/ programmes/PMUs/PMOs and other time-bound (one-time) development activities shall not be covered by this notification.

2. For the purpose of this notification, the Chief Minister, Punjab has further been pleased to withdraw the posts in BS-11 to 15 presently held by the contract employees, as mentioned in rule 16 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 from the purview of the Punjab Public Service Commission in terms of rule 5 of the Punjab Public Service Commission (Functions) Rules, 1978.

3. These appointments will, however, be subject to fulfillment of requirements of rule 18, 19, 20, 21 and 21-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974.

4. The contract appointees on their regular appointment shall remain on probation in terms of Section 5 of Punjab Civil Servants Act, 1974 and Rule 7 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974.

5. The service period of contract employees shall not be counted for any purpose (pension, gratuity, leave, etc.) on their appointment under the Punjab Civil Servants Act, 1974 and the rules framed there under. The salary component of such employees shall be in accordance with the pay scales plus the usual allowances prescribed for the posts against which they are being appointed. They will, however, not be entitled to the payment of 30% social security benefit in lieu of pension or any other pay package being drawn by them.

6. However, pay of the contract employees being appointed in the basic pay scales shall be fixed at the initial of the respective pay scales and the increment(s) already earned during the contract appointment period shall be converted into Personal Allowance. The pay of those appointed on the basis of pay package will be fixed in consultation with the Finance Department. The decision of the Finance Department in this behalf shall be final. The Finance Department shall constitute an Anomalies Committee to resolve the issues arising out of appointments of contract employees on regular basis.

7. The contract employees who do not intend to be appointed on regular basis should furnish their option to this effect in writing within 30 days from the date of issuance of their appointment letters by the respective appointing authorities. They may continue with their present employment as per terms and conditions of their contract. However, no extension in their contract period shall be allowed. Those who intend to be appointed on regular basis need not apply. The option once exercised shall be final.

No.SOR-III(S&GAD)1-35/93
Dated the 23rd October 2009

In exercise of the powers conferred on him by section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*), the Governor of the Punjab is pleased to direct that notwithstanding anything contained to the contrary in the method of recruitment prescribed in all the services/recruitment rules, 5% of the total number of posts will be reserved for Minorities (Non-Muslims) as defined in the Article 260(3)(b) of the Constitution of Islamic Republic of Pakistan, 1973.

2. The reservations of vacancies referred to above will not apply to:

(i) vacancies reserved for recruitment on the basis of competitive examination to be conducted by the Punjab Public Service Commission;
(ii) recruitment made by promotion or transfer in accordance with the relevant rules;
(iii) short term vacancies likely to last for less than six months;
(iv) isolated posts in which vacancies occur only occasionally; and
(v) vacancies reserved for Minorities for which qualified candidates are not available. These vacancies shall be treated as unreserved and filled on merit.

No.SOR-III(S&GAD)1-35/93
Dated the 27th March 2010

In exercise of the powers conferred under section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*), and in supersession of Notification No.SOR-III(S&GAD)1-35/1993, dated 23.10.2009, the Governor of the Punjab is pleased to direct that notwithstanding anything contained in the method of recruitment prescribed in all the services/recruitment rules, 5% quota shall be reserved for Minorities (Non-Muslims) as defined in the Article 260(3)(b) of the Constitution of Islamic Republic of Pakistan, 1973 against the total number of posts advertised in future, including the posts to be filled on the basis of competitive examination to be conducted by the Punjab Public Service Commission. However, all the conditions prescribed under the respective service rules shall continue to apply.

2. The reservations of vacancies referred to above will not apply to:

(i) appointments made by promotion or transfer in accordance with the relevant rules;
(ii) short term vacancies likely to last for less than six months;
(iii) isolated posts in which vacancies occur only occasionally; and
(iv) vacancies reserved for Minorities for which qualified candidates are not available. These vacancies shall be treated as unreserved and filled on merit.

No.DS(O&M)5-3/2004/Contract/(MF)
Dated the 10th November 2010

Subject: APPOINTMENT OF CONTRACTEES IN BS-16 AND ABOVE ON REGULAR BASIS

Kindly refer to the subject noted above.

2. The question regarding appointment of contractees in BS-16 and above on regular basis has been under consideration of the Government of the Punjab. The Chief Minister Punjab has been pleased to approve the following guidelines for appointment of contractees in BS-16 and above on regular basis excluding those contractees in BS-16 and above who are working against posts in various projects/programmes/PMUs/PMOs and other time-bound (one-time) development activities:

(a) The contract employees appointed as per service rules, on the recommendations of the Punjab Public Service Commission, are to be considered for appointment on regular basis. For this purpose, concerned Administrative Departments shall submit cases of employees for their appointment on regular basis to the Chief Minister, Punjab through the Regulations Wing, S&GAD and Finance Department. While submitting such cases to the Chief Minister it may be ensured that the contract appointments were made in accordance with the provisions of the service rules regarding age limit, qualifications and experience wherever prescribed. The appointments on regular basis may be

recommended on case-to-case basis keeping in view the performance of the individual employee.

(b) The contract employees, who were appointed as per eligibility criteria, and on the recommendations of Punjab Public Service Commission, are to be considered for appointment on regular basis, subject to he condition that the concerned Administrative Department shall first get the service rules of the posts framed at the earliest and then submit the cases to the Chief Minister of the contract employees who fulfill the conditions of service rules regarding age limit, qualification and experience wherever prescribed. Summaries shall be submitted to the Chief Minister, Punjab through the Regulations Wing, S&GAD and Finance Department. The appointments on regular basis may be recommended keeping in view performance of the contractees falling in this category.

(c) The cases of contract employees in BS-16 and above, who were appointed on the recommendations of respective selection committees as per provisions of the service rules, may be referred to the Punjab Public Service Commission for determining their suitability for appointment on regular basis against the posts held by the contract employees.

(d) The contract employees, who were appointed on the recommendations of the Departmental Selection Committee and in accordance with the eligibility criteria, duly approved by the Chief Minister, Punjab, may be referred to the Punjab Public Service Commission for determining their suitability for appointment on regular basis against the posts held by the contract employees, after getting the service rules framed with the approval of the Chief Minister.

3. Further necessary action may be taken accordingly.

PROJECT ALLOWANCE POLICY

No. FD.SR.I/9-20/2006
Finance Department
Dated the 2nd June, 2011

Subject: PROJECT ALLOWANCE FOR PROJECTS/PROGRAMMES, POLICY UNITS/POLICY CELLS/COMPANIES AND COMMISSIONS AND OTHER SUCH ENTITIES

I am directed to refer to the subject noted above and to state that the existing policy regarding the grant of project allowance contained in this department's letters of even Nos. dated [§]30.11.2006, 07.02.2007 and 12.10.2007 has been under review for the purpose of rationalization and uniform application across the board.

2. In supersession of all previous policy instructions on the subject, it has been decided to prescribe a revised uniform policy for the purpose as follows:

a) All types of project/program allowances and other special allowances being presently admissible in the entities/organizations mentioned in para 4 infra shall be discontinued immediately. The officers/officials so posted/appointed shall only be entitled to draw pay and such allowances as are admissible to them in their own pay scales in their own Organization/Departments/Secretariat, plus deputation allowance, where applicable, @20% of the basic pay scale subject to a maximum of Rs. 6,000/- per month or as revised from time to time.

b) Additional Charge Allowance @20% of the basic pay scale, subject to a maximum of Rs. 6000/- per month, or as revised from time to time, shall be admissible to the Government servants who are assigned additional charge of posts in the entities/organizations as mentioned in para 4 below.

3. However, the officers/officials under reference would be considered for grant of reward/honoraria under the existing policy on the subject. A robust and objective mechanism for evaluating performance for grant of honoraria would be developed separately.

4. This policy shall apply in the following entities/organizations, under the Government:

i) All PMUs established under various projects/programmes, including local and foreign funded projects/programmes.

ii) All Policy Units/Policy Cells, etc., established under the Government of the Punjab.

iii) All public sector companies which have secured capital from the Government of the Punjab as loan/advances or grants.

[§]*See pages 37 & 38.*

iv) All Foundations/Funds and other such like entities established under the Government of the Punjab.

5. Terms and conditions already notified for officers/officials working in the aforementioned entities shall be deemed to have been modified accordingly with immediate effect.

6. This policy would not apply to contract employees from the private sector of such entities and organizations.

No. FD.SR.II/6-17/2011
Finance Department
Dated the 25th October, 2011

Subject: PROJECT ALLOWANCE FOR PROJECTS/PROGRAMMES, POLICY UNITS/POLICY CELLS/COMPANIES AND COMMISSIONS AND OTHER SUCH ENTITIES

I am directed to refer to this department's letter No. FD.SR-I/9-20/2006, dated 02.06.2011 and to clarify that all types of Project/Prograqmme Allowances and other Special Allowances, duly approved by the Competent Authority would remain intact upto 01.06.2011 in all entities/organizations mentioned at Para-4 of the said letter. However, from 02.06.2011 onwards the provisions of the above referred letter dated 02.06.2011 shall be applicable.

No. FD.SR.I/9-20/2006
Finance Department
Dated the 1st November, 2011

Subject: GRANT OF UTILITY ALLOWANCE TO DIVISIONAL COMMISSIONERS, DCOs AND DDOs (R), NOW ASSISTANT COMMISSIONERS

I am directed to refer to the subject noted above and to state that the Chief Minister was pleased to grant the following monthly Project Allowance/Special Allowances in the Punjab to the Divisional Commissioners, DCOs and DDOs (R) to facilitate them in discharging their duties:

i) Monthly Allowance @ Rs.50,000/- to all Divisional Commissioners.
ii) Monthly Allowance @ Rs.30,000/- to all DCOs.
iii) Monthly Allowance @ Rs.20,000/- to 133 DDOs (R), now A.Cs.

2. Subsequently, the Government of the Punjab, Finance Department vide its circular letter No. FD.SR.I/9-20/2006 dated 02.06.2011 discontinued all types of Project/Programme Allowances and other Special Allowances which were admissible in the certain entities/organizations. The above mentioned officers were not affected by the policy letter dated 02.06.2011.

3. Now it has been decided by the competent authority, i.e. Chief Minister Punjab that the facility of Project/Special Allowance granted to the Divisional Commissioners, DCOs and DDOs (R), now A.Cs. vide order No. SO.Admn-II/1-1/2001 (Part-V) dated 14.11.2009, is hereby discontinued with immediate effect.

Resultantly, the said officers have now become entitled for grant of Adhoc Allowance – 2010 sanctioned vide this department's letter No. FD.PC-2-2/2010 dated 15.07.2010 read with this department's letter No. FD.PC-2-2/2010 (1226/10) dated 12.01.2011 with immediate effect.

4. Furthermore, considering the extraordinary field duties being performed by these officers, the facility of Utility Allowance @ 80% of their **basic pay drawn as on 30.06.2011** is hereby sanctioned in their favour of the officers indicated in para 3 ante with immediate effect.

No. FD.SR.I/9-20/2006
Finance Department
Dated the 11th November, 2011

Subject: PROJECT ALLOWANCE FOR PROJECTS/PROGRAMMES, POLICY UNITS/POLICY CELLS/COMPANIES AND COMMISSIONS AND OTHER SUCH ENTITIES

In continuation of this department's letter of even number dated 02.06.2011 the Chief Minister has been pleased to approve the following policy guidelines regarding salary packages admissible to public sector officials/officers working in public sector companies in the Punjab Government:

i) Public Sector Officials selected through open competition for an assignment which is advertised will be eligible for market based salary under this policy, officials who are appointed in the companies through transfer will not be eligible for market based salary.

ii) The Board of Directors of the Company will establish Key Performance Indicators on the basis of which performance of public sector employees employed in these companies will be evaluated. Key Performance Indicators (KPI) should be clearly linked to achievement of SMART (S-Specific, M-Measurable, A-Achievable, R-Realistic, T-Time Bound) Performance Targets.

iii) The Performance Indicators and Targets set up by the Board of Directors for the public sector employees working in these companies would be finalized in consultation with the Board of Directors, Finance Secretary and the concerned departmental Secretary.

iv) Only those officials would be entitled to market based salary who achieve the above mentioned targets.

v) A sub-committee of the Board of Directors of the companies in consultation with the concerned departmental Secretary and Finance Secretary will have a quarterly review the performance of the officials in the light of the above mentioned criteria before the market based salary is paid to the officials.

2. Further necessary action in the light of the above approval of the Chief Minister may be taken in consultation with Finance Department accordingly.

No. FD.SR.I/9-20/2006
Finance Department
Dated the 5th May, 2012

Subject: PROJECT ALLOWANCE FOR PROJECTS/PROGRAMMES, POLICY UNITS/POLICY CELLS/COMPANIES AND COMMISSIONS AND OTHER SUCH ENTITIES

In continuation of this department's letter of even number dated 02.06.2011 and 11.11.2011 wherein the Chief Minister had been pleased to approve the following policy guidelines regarding salary packages admissible to public sector officials/officers working in public sector companies in the Punjab Government:

i) Public Sector Officials selected through open competition for an assignment which is advertised will be eligible for market based salary under this policy, officials who are appointed in the companies through transfer will not be eligible for market based salary.

ii) The Board of Directors of the Company will establish Key Performance Indicators on the basis of which performance of public sector employees employed in these companies will be evaluated. Key Performance Indicators (KPI) should be clearly linked to achievement of SMART (S-Specific, M-Measurable, A-Achievable, R-Realistic, T-Time Bound) Performance Targets.

iii) The Performance Indicators and Targets set up by the Board of Directors for the public sector employees working in these companies would be finalized in consultation with the Board of Directors, Finance Secretary and the concerned departmental Secretary.

iv) Only those officials would be entitled to market based salary who achieve the above mentioned targets.

v) A sub-committee of the Board of Directors of the companies in consultation with the concerned departmental Secretary and Finance Secretary will have a quarterly review the performance of the officials in the light of the above mentioned criteria before the market based salary is paid to the officials.

2. Now, the Chief Minister has been pleased to extend the above referred **policy to apply mutatis mutandis to Commissions and Foundations established under Government of Punjab**, if they hire Government officials through advertised competitive process. Further necessary action in the light of the above approval of the Chief Minister may be taken in consultation with Finance Department accordingly.

NO.FD.SR.I/9-20/2006
Finance Department
Dated 2nd April, 2012

Subject: RECRUITMENT OF CIVIL SERVANTS/GOVERNMENT SERVANTS ON MARKET BASED SALARIES IN DIFFERENT PROJECTS/ PROGRAMMES, POLICY UNITS/POLICY CELLS/COMPANIES AND COMMISSIONS AND OTHER SUCH LIKE ENTITIES

I am directed to refer to the subject cited above and to state that the Chief Minister Punjab had constituted a Committee under the chairmanship of Chief Secretary Punjab to review, rationalize and evaluate each new contractual appointment and subsequent continuation/extension of contract whereby MP Scale or market based salary is offered. Copies of the relevant orders alongwith subsequent clarifications in this regard are *enclosed for ready reference. The competent authority has observed and taken a serious notice of the fact that the directions contained in the aforesaid policy letters are not being complied with in letter and spirit. In certain cases, the approval of the competent authority has not been obtained for grant of market based salary before the advertisement of the post as well as before making such appointments.

2. It may also be recalled that all types of projects/programme allowances and other special allowances admissible to the officers/officials so posted/appointed in the entities/organizations mentioned in this department's letter of even number dated **02.06.2011 were discontinued and the said officers/officials are only entitled to draw pay and allowances admissible to them in their own pay scales as well as deputation allowance, where applicable. Subsequently the Chief Minister was pleased to approve the following policy guidelines regarding salary packages admissible to public sector officials/officers working in public sector companies in the Punjab Government vide this department's letter of even number dated ♦11.11.2011:

> Public sector officers/officials selected through open competition for an assignment which is advertised for appointment in public sector companies in the Punjab Government are entitled for market based salary package subject to the certain conditions mentioned as under:
>
> a) The Board of Directors of the Company will establish Key Performance Indicators on the basis of which performance of public sector employees employed in these companies will be evaluated. Key Performance Indicators (KPI) should be clearly linked to achievement of SMART (S-Specific, M-Measurable, A-Achievable, R-Realistic, T-Time Bound) Performance Targets.
>
> b) The Performance Indicators and Targets set up by the Board of Directors for the public sector employees working in these companies would be finalized in consultation with the Board of

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See pages 36 & 37.

**See page 31.*

♦*See page 33.*

Directors, Finance Secretary and the concerned departmental Secretary.

c) Only those officials would be entitled to market based salary who achieve the above mentioned targets.

d) A sub-committee of the Board of Directors of the companies in consultation with the concerned departmental Secretary and Finance Secretary will have a quarterly review of the performance of the officials in the light of the above mentioned criteria before the market based salary is paid to the officials.

3. It has come to the notice of Finance Department that the above mentioned guidelines are not being observed in letter and spirit and in certain cases the market based salary packages are being granted to public sector officers posted/appointed in the public sector companies. It is clarified that if the officials/officers so appointed do not fulfill the above mentioned conditions after evaluation, they are not entitled for the market based salaries and are only entitled pay and allowances in their substantive pay scales till the evaluated fulfillment of the said criteria.

4. It is, therefore, requested that the subject instructions may be complied with strictly in letter and spirit to avoid any administrative, financial and legal complications in this regard.

NO.SI-2-18/2008
S&GA Department
Dated the 28th June, 2010

ORDER

Chief Minister Punjab has been pleased to constitute the following Committee to examine all such cases where appointments are made on MP Scale or on market based salaries:

i)	Chief Secretary, Punjab	Chairman
ii)	Additional Chief Secretary, Punjab	Member
iii)	Chairman, P&D Board	Member
iv)	Secretary (Services), S&GAD	Member
v)	Dr. Zafar Iqbal Qureshi	Member

2. The committee shall evaluate each new recruitment and subsequent continuation/extension of contract whereby MP Scales or market based salary is offered.

3. The Committee shall also evaluate each case on the basis of performance of the individual, his competence; and shall also comment whether the appointment/continuation of contract would bring value for money for the Government.

NO.SI-12-7/2000
S&GA Department
Dated the 19th August, 2010

Subject: REVIEW AND RATIONALIZATION OF SALARY PACKAGES

I am directed to refer to this department's Order No. SI-2-18/2008 dated 28.06.2010 (above) on the subject noted above and to state that the Chief Minister, Punjab, has desired that from now onward, the terms & conditions/salary packages of all the new contractual employees shall be approved by the Committee constituted for the said purpose before the appointment is offered.

2. I am, further, directed to request you to kindly place the case of salary package/terms & conditions of each new contractual appointment whereby MP scales or market bases salary is offered before the Committee for its approval. It is, therefore, intimated that no contractual appointment shall be made without prior approval of the Committee.

NO.SI-12-7/2000
S&GA Department
Dated the 6th September, 2010

Subject: REVIEW AND RATIONALIZATION OF SALARY PACKAGES

I am directed to refer to this department's letter of even number dated 19.08.2010 (above), whereby it has been stated that from now onward, the terms & conditions/salary packages of all the new contractual employees shall be approved by the Committee constituted for the said purpose before the appointment is offered.

2. I am, further, directed to state that Competent Authority has also desired that in each and every case of new contractual appointments, the terms & conditions/salary packages, shall also be got approved by the said Committee well before the post/posts is/are advertised in the press/newspapers etc.

3. I am, therefore, directed to request you to kindly ensure the compliance of above instructions, in letter & spirit.

PREVIOUS POLICY FOR PAYMENT OF PROJECT ALLOWANCE WHICH WAS SUBSTITUTED VIDE FINANCE DEPARTMENT'S LETTER NO. FD.SR.I/9-20/2006 DATED THE 2ND JUNE, 2011

No. FD.SR-I/9-20/2006
Finance Department
Dated the 30th November, 2006

Subject: POLICY FOR PAYMENT OF PROJECT ALLOWANCE

I am directed to refer to the subject cited above and to state that the Competition Authority has been pleased to approve a policy for sanction of Project Allowance to Project/Programme Directors and other staff members of the foreign

aided projects. The policy will apply to the officers/officials posted through transfer or internal competitive selection/open market competition as well as professionals hired from private sector.

2. For the purpose of payment of Project Allowance to officers/officials posted through transfer or internal competitive selection, projects will be categorized as follows:

a) **Category (A)**: This category will include projects having:
   (i) the headquarters in a backward/remote city.
   (ii) Multi-sartorial components, which require engagement in more than one backward district or the headquarters is located in a big city but the project is complex, and involves institutional reforms, redesigning of business process, interfacing/joint execution with private sector or working with communities.

b) **Category (B)**: This category will comprise projects:
   (ii) having the headquarters in a big city but the activities require engagement in remote areas.
   (iii) which are less complex in implementation as compared to those included in (a) above.

c) **Category (C)**: The projects in this category will have:
   (i) the headquarters located in a big city but activities require engagement in big cities.
   (ii) less complexities as compared to those included in (a) above.

3. Project Allowance to the Project Director, posted in accordance with para 2 will be admissible at the rate of Rs. 50,000/-, Rs. 35,000/- and Rs. 25,000/- PM for categories A, B and C, respectively. The core staff of projects falling in various categories will be allowed project allowance in accordance with the following parameter:

Basic Pay Scales of the Officers	**Project Allowance (% of Project Allowance of PD)**
19/20	60
18	50
17	40

♦4. Market-based salaries at enhanced levels may only be allowed where project staff has been elected through open competition along with private sector candidates. The salary may be fixed after monetizing any benefits that the Government officer may enjoy from his mainstream position. Government pay scales including MP-II/MP-III will serve as a reference for the PDWP while approving pay package for market based posts/jobs. Core team project posts will not be limited to Government pay scales.

5. For a new project the proposal for payment of Project Allowance will be incorporated in the PC-I. Decision about the category in which the project falls will be made by the PDWP at the time of approval of the project. For ongoing projects, the concerned Administrative Department may submit a proposal to PDWP for a

♦Para 4 & 5 substituted and para 6 (b & d) deleted vide Notification No. FD.SR.I/9-20/2006 dated 07.02.2007.

decision about the category of the project and position(s) designated as core team for payment of Project Allowance.

6. The Competent Authority has also been pleased to approve the following:

a) Departmental Development Sub-Committee (DDSC) will have no power to consider or recommend any project allowance or special pay package while approving schemes within their competence.

b) Deleted.

c) Project Allowance/Special Pay Package will be considered only for the posts for which provision of funds has been included in the PC-1 of he project. The package will be admissible only to officers having substantive postings against the project positions. However, officers holding Additional Charge of the post of Project Director will be allowed a Project Allowance at the rate of 40% of their basic pay scale without any limit.

d) Deleted.

e) The terms & conditions of appointment of the employees in BS-1 to BS-16 will be governed by the S&GAD vide its notification No. DS (O&M)5-3/2004/Contract (MF) dated 29.12.2004.

f) Officers/officials recruited against project posts who are not included in the core team will be allowed the following pay package as per para 3 (XIII) (i) of the Contact Appointment Policy notified by S&GAD on 29.12.2004, i.e.

- Package of Pay & Allowances as per Pay Scale of the post;
- 30% of the minimum of Pay Scale as social security benefit in lieu of pension;
- Any Ad hoc/Special Relief, etc., allowed to the Government servants shall be extended to such contract employees;
- Annual increment as per Pay Scale of the post will also be admissible under the existing rules for annual increment.

7. The policy will be applicable with immediate effect. Terms and conditions already notified for officers/officials working in various projects will remain unchanged till the completion of initial period of contract appointment.

No. SOR-IV (S&GAD)10-1/2003
Dated the 17th September 2004

Subject: **RECRUITMENT POLICY — 2004**

One of the major objectives of the Government is to provide maximum job opportunities to the unemployed youth. However, in the Government sector, posts have to be filled essentially in accordance with requirement, to achieve the objectives of good governance and efficient service delivery. Under the Recruitment Policy dated 05.05.2003, recruitment in all Government departments and autonomous institutions was initiated after a long period of ban on recruitment. The Administrative Departments were allowed to make recruitment against more than 26,000 posts out of over 100,000 vacant posts. The process of recruitment under Phase-I has been completed and against 26,000 posts, recruitments were made against around 23,000 posts.

2. The successful completion of recruitment under Phase-I confirms the Government's commitment to improving the standards of service delivery in all Government sectors by providing best available human resources through merit-based recruitments.

3. The Government now intends to launch Phase-II of recruitment. The Recruitment Policy has been reviewed keeping in view the changed scenario especially the shift of emphasis on contract appointments and the issues/problems confronted during Phase-I. A more comprehensive policy has accordingly been prepared, and is hereby issued in supersession of the Policy issued vide No.SOR.III-2-15/2003 dated 05.05.2003 and circular letter No. No.SOR.III-2-15/2003 dated 07.07.2003.

4. **LEGAL POSITION**

i) Section 4 of the Punjab Civil Servants Act, 1974 provides that appointments to a civil service of the province or to a civil post in connection with the affairs of the province shall be made in the prescribed manner.

ii) Rule 3 (1) of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 provides that appointment to posts shall be made by promotion, transfer or initial recruitment, as may be prescribed.

iii) Rule 16 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 provides that initial recruitment on regular basis to the posts in BS-16 and above and such other posts in BS-11 to BS-15, as are notified by the Government, shall be filled on the recommendations of the Punjab Public Service Commission.

iv) Under Rule 17 of the rules ibid, the posts which do not fall within the purview of Punjab Public Service Commission, are to be filled by the appropriate committees/board.

v) Rule 17 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 requires that initial recruitment against all posts in BS-1 and above shall be made on merit after advertisement of vacancies in newspapers.

vi) Appointment to posts reserved for initial recruitment can be made either on regular or on contract basis.

5. **RECRUITMENT ON REGULAR BASIS**

Recruitment on regular basis is made under the provisions of the Punjab Civil Servants Act, 1974, Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 and relevant Service Rules of the posts in the following manner:

i) Initial recruitment on regular basis to all posts in BS-16 and above is made on the recommendations of the Punjab Public Service Commission.

ii) (a) As per notification No.SOR-III(S&GAD)1-14/75, dated 24.07.04, initial recruitment on regular basis to all posts in BS-11 to 15 of the following departments/attached departments shall be made on the recommendations of the Punjab Public Service Commission:

1. Services & General Administration
2. Revenue
3. Finance
4. Police

(b) Initial recruitment on regular basis to the following posts in the departments/attached departments mentioned against each shall also be made on the recommendations of the Punjab Public Service Commission:

a.	Assistant Superintendent Jail	Prison
b.	Assistant Food Controller	Food
c.	Excise and Taxation Inspector	E&T
d.	Assistant Excise & Taxation Officer	E&T
e.	Sub Engineer	I&P
f.	Sub Engineer	C&W
g.	Sub Engineer	HUD&PHE

iii) Initial recruitment on regular basis in BS-1 to 10 in all departments and against posts in BS-11 to 15, other than those listed at serial no. (ii) above, shall be made on merit by the relevant committees/boards as notified by the Government.

6. **RECRUITMENT ON CONTRACT BASIS**

The Government has generally shifted from regular mode of appointment to contract mode in view of the changing management practices and to achieve the goals of good governance in the public sector departments/organizations. The Departments are, therefore, advised to adhere to the following guidelines while making appointments on contract basis:

i) Under the provisions of Rule 4 of the Punjab Public Service Commission (Functions) Rules, 1978, contract appointments are excluded from the purview of the PPSC. However the Departments should generally prefer the channel of PPSC even for contractual appointment against posts, which otherwise fall within the purview of PPSC under para 5 (i) & (ii), by seeking relaxation of Rule 4 ibid from the Chief Minister.

ii) The Service Rules applicable to various posts shall be applicable also in case of appointment on contract basis. If, however, the Service Rules for a post have not been framed, the departments are advised to get them framed in consultation with the Regulations Wing of S&GAD and with approval of the Chief Minister, before commencing the recruitment process.

iii) Where Service Rules for posts to be filled on contract basis are not available or where the department intends to adopt qualifications, etc., different from those provided in the Service Rules, comprehensive criteria regarding proposed qualification, experience, age, appointing authority, etc., may be got approved from the Chief Minister after consultation with the Regulations Wing.

iv) Generally, the period of initial contract appointment shall be between three to five years extendable as per provisions of the prevailing contract appointment policy.

v) Terms and conditions of contract appointment shall be settled by the Administrative Department in consultation with the Finance Department in accordance with the provisions of prevailing contract appointment policy. However, in all contracts, it shall be clearly provided that the services of the contract employee are liable to be terminated on one month's notice, without assigning any reason.

7. DETERMINATION OF POSTS TO BE FILLED ON REGULAR OR CONTRACT BASIS

i) A Contract Appointment Regulation Committee (CARC) has been notified vide No.SOR.IV (S&GAD)12-2/2004, dated 16.04.2004, in the Regulations Wing with representatives from Punjab Public Service Commission, Finance Department and the Department concerned, which is required to determine as to whether various categories of posts shall be filled on regular or contract basis.

ii) If the departments intend to fill the posts on contract basis in the pay scale prescribed in the service rules, the case need not be referred to the Regulations Wing and only the terms and conditions of contract appointment may be got approved from the Finance Department.

iii) If, however, the departments intend to fill the posts on regular basis or on contract basis with pay package different from the pay scale of the post or qualification, etc., different from those prescribed in the service rules, a comprehensive case must be referred to the Regulations Wing for consideration

by the Contract Appointment Regulation Committee, before commencing the recruitment process.

8. **MERIT BASED RECRUITMENT**

a) All posts shall be advertised properly in at least two leading newspapers, as per rules.

b) No relaxation of qualification, experience, physical criteria etc. as provided in the relevant service rules shall be allowed, except as prescribed under the rules.

c) The relevant Selection Committees shall ensure that recruitments are made strictly on merit and in accordance with the rules, selection criteria and other provisions of this policy.

9. **ELIGIBILITY FOR APPOINTMENT**

i) Article 27 of the Constitution of Islamic Republic of Pakistan provides that no citizen, otherwise qualified for appointment in the Service of Pakistan (which includes Federal as well as Provincial Service) shall be discriminated against in respect of any such appointment on the ground of race, religion, caste, sex, residence or place of birth.

ii) Article 27 (2) of the Constitution provides that the Provincial Government may prescribe the condition of residence in the province prior to appointment against any post under the provincial Government or authority.

iii) Rule 20 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 requires that posts in connection with the affairs of the province shall be filled from persons domiciled in the province of Punjab, in accordance with merit.

iv) From the above provisions of Constitution/law it is clear that all persons who are domiciled in Punjab are eligible for appointment on merit against any post in any department, attached department, autonomous body, district Government, etc., provided they are otherwise eligible i.e., they meet the criteria/requirements of qualification, experience, age limit, etc., as provided in the service rules for the post.

v) The existing regular/confirmed Government servants are eligible for appointment on contract basis and the issues regarding their lien etc., to their permanent substantive posts shall be dealt with under the provisions of the prevailing Contract Appointment Policy.

vi) Under Section 13(1) of the Punjab Civil Servants Act, 1974, a retired Government servant is not eligible for appointment either on regular or on contract basis. Thus all categories of retired Government servants are not eligible for initial appointment against Government posts except under the provisions of Re-employment Policy. The various kinds of retirement are explained as under:-

a) Retirement on attaining the age of superannuation i.e., 60 years under Section 12(1)(ii) of the Punjab Civil Servants Act, 1974.

b) Compulsory retirement under Section 12(1) of the Act ibid after completion of 20 years service.

c) Compulsory retirement under the provisions of Punjab Civil Servants (E&D) Rules or Punjab Removal from Service (Special Powers) Ordinance, 2000.

d) Retirement on grounds of invalidation under rule 3.3 of Punjab Civil Service Pension Rules.

e) Optional retirement after completion of prescribed qualifying service for pension, under Rule 3.5 of the Pension Rules.

vii) Retired armed forces personnel are eligible for appointment on merit only at the time of making general recruitment through advertisement against civil posts, provided they are otherwise eligible for appointment, under the rules.

*10. SELECTION COMMITTEES FOR RECRUITMENT

The following Selection Committees shall make recommendations for the posts at the Provincial/District level, as do not fall within purview of Punjab Public Service Commission:

a) DEPARTMENTAL SELECTION COMMITTEES AT PROVINCIAL LEVEL

i)	Appointing Authority (Where Chief Minister is the Appointing Authority, Administrative Secretary concerned. will be the Chairman of the Committee).	Chairman
ii)	Two officers of the Department to be nominated by the Administrative Department with the approval of Minister Incharge.	Member

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*Para 10 substituted vide Notification No. SOR-IV(S&GAD)10-1/2003 dated 17.05.2012.

iii)	One officer of S&GAD to be nominated by the Regulations Wing (only for posts in BS-16 and above).	Member
iv)	A woman officer to be nominated by the Administrative Secretary.	Member

Provided that where department is of the view find that the said committee is not relevant to their peculiar circumstances, it may with the approval of the Chief Minister constitute its own committee, routing the case through Regulations Wing, S&GAD.

b) DEPARTMENTAL SELECTION COMMITTEES AT DISTRICT LEVEL FOR POSTS IN BS-11 AND ABOVE

i)	District Coordination Officer.	Chairman
ii)	Executive District Officer concerned.	Member
iii)	Executive District Officer (F&P).	Member
iv)	Appointing Authority concerned (if other than the EDO concerned).	Member
v)	One member to be nominated by the Administrative Department with the approval of Minister Incharge.	Member
vi)	A woman officer to be nominated by the District Coordination Officer concerned.	Member
vi)	District Officer concerned.	Member/ Secretary

c) DEPARTMENTAL SELECTION COMMITTEES AT DISTRICT LEVEL FOR POSTS IN BS-1 TO 10

i)	Executive District Officer concerned.	Chairman
ii)	Executive District Officer (F&P).	Member
iii)	District Officer (Coord).	Member
iv)	Appointing Authority concerned (if other than the EDO concerned)	Member
v)	One member to be nominated by the Administrative Department with the approval of Minister Incharge.	Member
vi)	A woman officer to be nominated by the District Coordination Officer concerned.	Member
vi)	District Officer concerned.	Member/ Secretary

11. SELECTION CRITERIA FOR APPOINTMENT

The following criteria shall be observed for selection against posts in BS-1 to 4, BS-5 to 10 and BS-11 & above:

A. CRITERIA FOR POSTS IN BS-1 TO 4

Total Marks 100

(i) EDUCATIONAL QUALIFICATION

Maximum Marks 50

a. Where prescribed minimum qualification is literate

Literate	30
Primary	35
Middle	40
Matric	50

b. Where prescribed minimum qualification is Primary

Primary	35
Middle	40
Matric	50

c. Where prescribed minimum qualification is Middle

Middle	35
Matric	40
Intermediate	50

d. Where prescribed minimum qualification is Matric

Matric	40
Intermediate	45
Bachelor	50

(ii) EXPERIENCE IN THE RELEVANT FIELD

Maximum Marks 10

(Over and above the experience prescribed in the service rules)

a)	One year	05
b)	Two years	07
c)	Three years	10

(iii) INTERVIEW

Maximum Marks 40

B. CRITERIA FOR POSTS IN BS-5 TO 10

Total Marks 100

(i) EDUCATIONAL QUALIFICATION

Maximum Marks 50

a. Where prescribed minimum qualification is Matric/equivalent

		A+ Grade	A Grade	B Grade	C Grade	D Grade	E Grade
1.	Matric	50	45	40	35	30	25

b. Where prescribed minimum qualification is Intermediate/equivalent

		A+ Grade	A Grade	B Grade	C Grade	D Grade	E Grade
1.	Intermediate 67%	33	30	27	24	20	18
2.	Matric 33%	17	15	13	11	10	07

c. Where prescribed minimum qualification is bachelor's degree/ equivalent

		1st Div.	2nd Div	3rd Div
1.	Bachelor 50%	25	23	15
2.	Intermediate 33%	17	15	10
3.	Matric 17%	08	07	05

(ii) HIGHER QUALIFICATION IN THE RELEVANT FIELD
Maximum Marks 10
Next above the qualification prescribed under the rules:

1.	One stage higher	05
2.	Two stages higher	07
3.	Three stages higher	10

(iii) INTERVIEW
Maximum Marks 40

C. CRITERIA FOR POSTS IN BS-11 & ABOVE
Total Marks 100
(i) EDUCATIONAL QUALIFICATION
Maximum Marks 60

a. Where prescribed minimum qualification is Matric/equivalent

		A+ Grade	A Grade	B Grade	C Grade	D Grade	E Grade
1.	Matric	60	55	50	40	35	30

b. Where prescribed minimum qualification is Intermediate/equivalent

		A+ Grade	A Grade	B Grade	C Grade	D Grade	E Grade
1.	Intermediate 67%	33	30	27	24	20	18
2.	Matric 33%	17	15	13	11	10	07

c. Where prescribed minimum qualification is bachelor's degree/equivalent

		1st Div	2nd Div	3rd Div
1.	Bachelor 50%	30	28	20
2.	Intermediate 33%	20	18	13
3.	Matric 17%	10	9	7

d. Where prescribed minimum qualification is master degree/equivalent

		1st Div	2nd Div	3rd Div
1.	Masters 50%	30	28	20
2.	Bachelors 25%	15	14	10
3.	Intermediate 17%	10	9	7
4.	Matric 8%	5	4	3

(ii) HIGHER QUALIFICATION IN THE RELEVANT FIELD
Maximum Marks 15

Next above the qualification prescribed under the rules:

1.	One stage higher	08
2.	Two stages higher	12
3.	Three stages higher	15

(iii) POSITION IN THE BOARD/UNIVERSITY IN THE PRESCRIBED QUALIFICATION

Maximum Marks 05

1.	1st position	05
2.	2nd position	03
3.	3rd position	02

(iv) INTERVIEW

Maximum Marks 20

Note 1: In all the three above mentioned categories, 5 additional marks shall be awarded to Hafiz-e-Quran/Ex Servicemen.

Note 2: Departments may change the selection criteria for specific specialized posts, if required, but the criteria must be clearly elaborated in order to ensure transparency in the selection process and should be got approved from the Chief Minister.

12. **QUOTAS IN RECRUITMENT**

The following quotas have already been provided under various notifications and shall continue:

i) 2% quota for disabled persons as per notification No. SOR.III-2-86/97 dated 28.01.1999, and in keeping with instructions issued vide No. SOR.IV (S&GAD)7-1/2003, dated 15.04.2004.

ii) 5% quota for women as prescribed vide notification No.SOR-III-1-35/93, dated 17.04.2002.

iii) 20% quota of posts in BS-1 to 5 for the children of serving/retired Government employees in BS-1 to 5, as prescribed vide notification No. SOR-III.1-22/90 dated 01.09.1993.

Explanation: The posts reserved for quotas mentioned above are to be filled only at the time of making general recruitment through advertisement, under the Recruitment Policy.

13. **STEPS OF RECRUITMENT PROCESS**

i) Administrative Secretary and the Appointing Authority shall periodically update the detail of available vacancies, especially prior to recruitment and ensure that recruitment is made against clear-cut vacancies, after accounting for vacancies occurring due to leave, deputation etc.

ii) Before advertising the posts, it shall be ensured that there is no bar on recruitment and recruitments shall be made only against posts for which specific approval has been granted either under the Recruitment Policy or by the Chief Minister.

iii) Appointing Authority shall advertise the posts in at least two national dailies indicating the qualification, etc. as prescribed in the Service Rules of the post.

iv) At least 15 days time, from the date of advertisement, shall be given for submission of applications.

v) After detailed scrutiny of the applications, the eligible candidates shall be issued call letters for test/interview, as the case may be.

††v-a) The Appointing Authorities shall prepare a separate question paper for the non-Muslim candidates, as and when recruitment is made n the basis of written test. The questions shall be of general nature, and shall not be limited to the knowledge about any particular religion.

*vi) The relevant Selection Committee shall conduct test/interview and recommend suitable candidates for appointment, strictly on the basis of merit/selection criteria, to the appointing authority. The merit list shall be signed by the Chairman as well as all the members of the Selection Committees.

vii) The Appointing Authority, shall issue offer of appointments to the candidates recommended by the Selection Committee, clearly indicating the terms and conditions of such appointment.

viii) The terms and conditions of contract appointment must be prepared as per provisions of Contract Appointment Policy and got approved from Finance Department before issuing offers of appointment.

ix) Appointing Authority shall issue appointment/posting orders after the acceptance of offer and after ensuring that all the codal formalities have been fulfilled.

x) All the candidates shall be required to produce National Identity Card, domicile certificate and transcripts of qualifications, in original, at the time of interview.

xi) The Selection Committees shall ensure that the certificates/degrees of candidates are genuine and have been obtained from recognized institutions.

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††Sub-para 'v-a' added vide Notification No. SOR-IV(S&GAD)10-1/2003 dated 31.12.2011.
*Para 13(vi) substituted vide Notification No. SOR-IV(S&GAD)10-1/2003 dated 05.10.2011.

14. **RECRUITMENT IN AUTONOMOUS BODIES**

i) The provisions of this Policy shall be applicable to recruitments in Autonomous Bodies. However, if the Selection Committees at para 10 above are not relevant to their peculiar requirements and circumstances, they may constitute their own Selection Committees with the approval of their governing body/competent authority.

ii) If the departments feel that autonomous bodies should be allowed recruitment as per their requirements and should not be linked with the Recruitment Policy per se, e.g., public sector universities and autonomous health institutions, etc., the departments may obtain approval of the Chief Minister for allowing recruitments in the autonomous bodies/institutions as per their own requirements, on a summary to be routed through the Regulations Wing.

iii) The provisions regarding merit-based recruitment, eligibility for appointment, criteria for selection, preference for contractual appointments shall be applicable to the autonomous institutions.

iv) The Departments shall keep a record of all recruitments made in autonomous bodies/institutions attached with them and provide a consolidated information to the Regulations Wing so that the figures may be incorporated into the overall number of posts against which recruitments have been made in the Provincial Departments/Organizations.

v) The Departments must always send consolidated information pertaining to all autonomous bodies and avoid furnishing the same in piecemeal manner.

15. **RECRUITMENT IN DEVELOPMENT PROJECTS**

i) There is no restriction/ban on recruitment against posts duly approved in the development projects as per Finance Department's letter No. Exp (G) 11-9/99, dated 31.07.1999.

ii) Recruitment against all project posts shall invariably be made on contract basis.

iii) The instructions/guidelines and selection criteria, etc., given in this policy shall be equally applicable for recruitment against project posts.

♦ iv) Recruitment against posts sanctioned in development projects shall be made in accordance with the Service Rules already prescribed. If no Service Rules for the post exist, then the departments shall

♦ Para 15(iv) substituted vide Notification No. SOR-IV(S&GAD)10-1/2003 dated 14.06.2006.

determine the qualification, experience, age limit, appointing authority, etc., at their own level.

v) The Departments must intimate the Regulations Wing about the recruitments to be made in the development projects prior to initiating the recruitment process so that the number of posts against which recruitment is made is incorporated in the overall number of posts against which recruitments have been made in the Provincial Departments/Organizations.

16. ♠**RELAXATION IN UPPER AGE LIMIT FOR INITIAL RECRUITMENT IN BS-1 TO 17**

i) 05 years relaxation in upper age limit shall be allowed, across the board, for all categories of posts in BS-1 to 17.

ii) This relaxation would be valid upto 30.06.2005, for all kinds of recruitments. During this time, the application of Punjab Delegation of Powers (Relaxation of Age) Rules, 1961 shall be held in abeyance.

iii) This concession in upper age limit shall however, not be granted in the case of Police Department, as already decided by the Cabinet in 1990.

iv) In all cases, age relaxation shall be given across the board as per above provisions and shall appear as a part of the advertisement and shall not be allowed in individual cases. This will obviate the necessity of individuals approaching various authorities for getting age relaxation.

RELAXATION IN CASE OF CONTRACT APPOINTMENTS

i) In case where the upper age limit for a post to be filled on contract basis has been enhanced by the department (as against the age limit prescribed in the service rules) no relaxation in the upper age limit shall be allowed.

ii) In case where contract appointments are made in accordance with the existing service rules and the age limit prescribed thereunder, 5 years relaxation in upper age limit shall be granted across the board, as per policy given above at para 16 (a) to (d).

17. **RECRUITMENT COMPLAINTS REDRESSAL CELL**

i) All Departments shall constitute Recruitment Complaints Redressal Cells headed by an officer not below the rank of Additional Secretary (Deputy Secretary in case of Departments where post of Additional Secretary does not exist). All complaints regarding violation of any provision of the Recruitment Policy shall be dealt with by these cells.

♠For further amendments see Delegation of Powers (Relaxation of Age) Rules, 1961, amended, vide Notification No. SORI(S&GAD) 9-36/81 dated 04.11.2006.

ii) On receipt of complaints, the Incharge of the Cell shall immediately inform the Secretary concerned and the Minister Incharge about the complaint, who shall decide as to whether the complaint is genuine and merits probe.

iii) If the complaint is considered frivolous, the same may be filed. If it is found genuine, an inquiry may be ordered to ascertain as to whether or not the recruitment was made in a transparent manner on merit in accordance with the provisions of the Recruitment Policy. On receipt of the inquiry report, if no irregularity is found, the recruitment may be allowed to stand.

iv) Where serious irregularities and violation of merit is found to have been committed, the department may scrap the recruitment process, after the approval of the Chief Minister, provided that appointment orders have not been issued.

v) Where appointment orders on regular or contract basis have already been issued and later it is determined that such appointments were made in violation of merit/selection criteria, etc., further action may be taken in accordance with law and terms and conditions of contract.

vi) Departments should take disciplinary action against the persons responsible for committing irregularities in recruitment process.

18. **RECRUITMENTS TO BE MADE IN PHASE-II**

i) Under Phase-II of the recruitment process, 38, 219 posts shall be filled by the departments, including attached departments, subordinate offices/institutions, autonomous bodies, district offices, etc.

ii) The department-wise breakup of the posts against which recruitment is to be made under Phase-II is given in Annexure-I.

iii) The departments are required to convey detailed breakup of the posts to the Districts, Attached Departments/ Autonomous Bodies, etc., in order to enable them to make recruitments against posts, specifically allocated to them.

iv) DCOs/EDOs and Heads of Attached Departments/ Autonomous Bodies must obtain the details of the posts allocated to them from the concerned administrative departments before proceeding with the recruitment process.

v) All departments are required to complete the recruitment process under Phase-II against posts allocated to them latest by 31.03.2005.

vi) The Departments must provide the progress of recruitment process to the Regulations Wing on quarterly basis as under, on the proforma given at Annexure-II.

For the quarter ending		To be provided by
a)	31.12.2004	15.01.2005
b)	31.03.2005	15.04.2005

19. This issues with the approval of the Chief Minister Punjab. All the Administrative Departments/Authorities are requested to ensure strict compliance of this policy, at all levels.

No. SOR.III.2-2/91
Dated the 22nd August, 1992

NOTIFICATION

Notwithstanding anything contained in any recruitment rules for any post and in exercise of the powers conferred on him by Section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*), the Governor of the Punjab is pleased to direct that the initial recruitment to posts in BS-11 to BS-15 of the following departments shall also henceforth be made on the recommendations of Punjab Public Service Commission:

1. Revenue Department.
2. Police Department.
3. Prisons Department.
4. Food Department.
5. Labour and Manpower Department.
6. Excise and Taxation Department.
7. Irrigation and Power Department.
8. Cooperatives Department.
9. Communication and Works Department.
10. Housing, P& EP Department.
11. Punjab Civil Secretariat; and
12. Engineering cells of all other departments.

No. SOR.III.2-2/91
Dated the 31st January, 1993

Subject: IRREGULARITIES IN RECRUITMENT ORDERS OF THE SUPREME COURT OF PAKISTAN

I am directed to invite your kind attention to the subject noted above and to enclose a copy of the judgment passed by the Supreme Court of Pakistan in respect of Human Rights Cases No. 104 and 104 (ii to iv) of 1992 dated 19.01.1993 for your kind information and necessary action (copy placed below).

FOR CHIEF SECRETARY, PUNJAB

IN THE SUPREME COURT OF PAKISTAN
(original jurisdiction)

Present:
Mr. Justice Muhammad Afzal Zullah, Chief Justice.
Mr. Justice Dr. Nasim Hasan Shah.
Mr. Justice Shafi-ur-Rehman.

HUMAN RIGHTS CASE NO. 104 OF 1992.
(irregularities in appointments)

Abdul Jabbar Memon. . . . . Applicant

HUMAN RIGHTS CASE NO. 104 (ii) OF 1992.

Mr. Latif Ullah . . . . Applicant

HUMAN RIGHTS CASE NO. 104 (iii) OF 1992.

Staff Excise & Taxation Department. . . . . Applicant

HUMAN RIGHTS CASE NO. 104 OF 1992.

Mr. Rab Nawaz Raja. . . . . Applicant

ORDER
19.01.1993

PRESENT
Mr. Faqir Muhammad Khokhar, Deputy Attorney General.
Mr. Mumtaz Ali Mirza, Deputy Attorney General.
Raja M. Afsar, Advocate General, Balochistan.
Mr. Abdul Ghaffar Mangi, Addl. Advocate General, Sindh.
Mr. Khalid Ahmad, Assistant Advocate General, Punjab.
Mr. Anwar Kamal, Advocate Supreme Court of Pakistan, for PIA.

The matter has come up for consideration in the presence of the Deputy Attorneys General, Provincial Law Officers and Mr. Anwar Kamal, Advocate/counsel for PIA to seek appropriate instructions from their respective Governments/Departments and to ensure compliance with the order. The interim order is reproduced here under in extant.

HR. 104/92 etc.

"While inquiring into various complaints of violation of Fundamental/Human Rights, it has been found that the Federal Government, Provincial Governments, Statutory Bodies and the Public Authorities have been making recruitments, both adhoc and regular, to posts and of without publicly and properly advertising the vacancies and at times by converting adhoc appointments into

regular appointments. This practice is Prima facie violative of Fundamental Right (Article 18 of the Constitution) guaranteeing to every citizen freedom of profession.

Subject to notice to all concerned, and subject to final orders after full hearing in the matter, it is ordered as after interim measure that the violation of this Fundamental/Human Right shall be discontinued forthwith.

Steps shall immediately be taken to rectify, so as to bring the practice in accord with the Constitutional requirement.

Sd/- Muhammad Afzal Zullah
Chief Justice
Sd/- Dr. Nasim Hassan Shah
Sd/- Shafur Rehman

Dated: Rawalpindi,
January, 19, 1993

No. SOR.III.2-2/91
Dated the 5th October, 1995

Subject: IRREGULARITIES IN RECRUITMENT ORDERS OF THE SUPREME COURT OF PAKISTAN

I am directed to invite your attention to this Department's circular letter of Even No. dated 31st January, 1993, forwarding a copy of Order of Supreme Court of Pakistan dated 19.01.1993, passed in Human Rights Cases No. 104 (*I to IV*) of 1992 for compliance. It has been observed that the decision is not being followed meticulously. It has, therefore, been decided to re-emphasize the implications of this decision, which are as under:

i) No recruitment should be made against any post which is not advertised properly.
ii) No ahoc appointments should be converted into regular appointments without advertising the posts.
iii) No recruitment should be made without observing rules and prescribed procedure.

2. Proposals are being sent by various Administrative Departments to the Regulations Wing, S&GAD for regularizing the adhoc appointments. Needless to say that such proposals militate against the spirit of Supreme Court's decision referred to above. Such proposals, if accepted, would tantamount to contempt of Court.

3. A serious view of this lapse has been taken by the Government and it has been decided that in future no such proposal shall be entertained. Strict disciplinary action shall be taken against the Civil Servants who violated the principle of law enunciated by the Supreme Court of Pakistan referred to above.

4. The contents of this letter may kindly be brought to the notice of all concerned.

No. SOR-IV (S&GAD)10-1/2003
Dated the 16th March 2005

Subject: REQUIREMENT OF ATTESTED/PHOTO COPIES OF SUPPORTING DOCUMENTS FROM EMPLOYMENT SEEKERS

I am directed to refer to the subject cited above and to inform that the Government has approved the following simplified system to be followed during recruitment process in general by all the departments unless it is necessary for better selection to call for more detailed documentation at the initial stage of the selection process:

i) At the stage of calling the applications, only personal data on a plain paper may suffice to shortlist the candidates on the basis of suitability.

ii) Those called for interview may be asked to bring along the original documents.

iii) Those selected may be required to submit certified copies of the documents for record.

2. You are requested to bring the above instructions in to the notice of attached departments/subordinate offices/autonomous/semi-autonomous bodies/corporations under your administrative control for compliance.

No. SOR-IV(S&GAD)10-1/2003
Dated 14th June 2006

Subject: RECRUITMENT POLICY – 2004

Kindly refer to the subject cited above.

2. In pursuance of the approval accorded by the Chief Minister, para 15(iv) of the Recruitment Policy 2004 shall be substituted as under:

"iv) Recruitment against posts sanctioned in development projects shall be made in accordance with the Service Rules already prescribed. If no Service Rules for the post exist, then the departments shall determine the qualification, experience, age limit, appointing authority etc., at their own level."

No. SOR-IV(S&GAD)10-1/2003
Dated 20th March 2006

Subject: RECRUITMENT POLICY – 2004

Attention is invited to Para 15 of the Recruitment Policy – 2004 circulated vide letter of even No. dated 17.09.2004, which provides as under:

i) There is no restriction/ban on recruitment against posts duly approved in the development projects as per Finance Department's letter No. Exp (G) 11-9/99, dated 31.07.1999.

ii) Recruitment against all project posts shall invariably be made on contract basis.

iii) The instructions/guidelines and selection criteria, etc., given in this policy shall be equally applicable for recruitment against project posts.

iv) Recruitment against posts sanctioned in development projects shall be made in accordance with the Service Rules already prescribed for similar posts. If no Service Rules for the post exist, then the departments shall determine the qualification, experience, age limit, appointing authority etc., and get the same approved from the Chief Minister in consultation with the Regulations Wing.

2. The Chief Minister has been pleased to direct that since there is no restriction/ban on recruitment against posts duly approved in the development projects, the department/executing agencies should proceed with the recruitment process against project posts without making any reference to the Regulations Wing of S&GAD.

3. Therefore, all the departments are advised not to send references to the Regulations Wing seeking relaxation of ban for making such recruitment, and the implementation of the projects may be expedited.

4. However, the Departments shall intimate the Regulations Wing about the number of posts filled in immediately after recruitments made in the development projects so that the over-all figure of posts against which recruitment is made in the provincial departments/organizations is updated.

No. SOR-IV(S&GAD)10-1/2003
Dated 11th October 2006

Subject: RECRUITMENT POLICY – 2004

I am directed to refer to the subject cited above and to state that instances have come to the notice of the Government where certain officers attended as chairman or as a member, meetings of the Selection Committees while their blood relations were candidates for a post. Needless to say that such an act is not only prejudicial to the norms of transparency and casts aspersions on the conduct of the concerned officers, but also tantamount to nepotism, favoritism and willful abuse of office under rule 26 of the Punjab Government Servants (Conduct) Rules, 1966.

2. Therefore, in order to ensure merit and transparency, in case a relative of the chairman or a member of the Selection/Recruitment Committee is to appear for interview as a candidate, the said officer should not participate in the meeting of the Selection Committee and for alternative arrangements orders of the next higher authority may be sought.

3. You are requested to kindly bring the aforesaid instructions into the notice of all concerned for strict compliance.

No. SOR-IV (S&GAD)10-1/2003
Dated the 28th September 2006

Subject: RECRUITMENT POLICY – 2004

Kindly refer to this department's letter of even number dated 21.04.2006 on the subject cited above, whereby a representative of Punjab Public Service Commission was made a member of the Departmental Selection Committees at provincial level prescribed in Para 10(a) of the Recruitment Policy – 2004, for posts in BS-16 and above.

2. The Chief Minister has been pleased to exclude all the temporary posts created for development projects/programs from the purview of the circular letter referred to above. Instead the following policy shall be adhered to regarding the constitution of Selection Committees in respect of temporary projects posts:

a)	For project posts from BS-16 to BS-18 (or equivalent)	To be constituted by the Administrative Secretary concerned.
b)	For project pots in BS-19 and above (or equivalent) or those with special package	Selection Committee to be constituted in consultation with P&D Department, with the approval of Chief Minister.

3. Further necessary action may be taken accordingly.

No. SOR-IV(S&GAD)10-2/2008
Dated the 6th February 2008

SUBJECT: RECRUITMENT POLICY – INDICATION OF SPECIFIC DATE IN THE ADVERTISEMENTS FOR RECRUITMENT

I am directed to refer to the subject noted above and to state that it has been brought to the notice of Government that some of the Departments, instead of giving a clear last date up to which applications could be submitted, mention that applications would be received within certain number of days of the advertisement. This practice creates confusion because advertisements may appear on different dates in different newspapers.

2. In view of the above, it has been decided that, henceforth, in the advertisements for recruitment to various posts last date by which applications should be submitted be clearly specified. However, while determining the last date it may be kept in view that two weeks time is required for processing of advertisements for recruitment by the Directorate General of Public Relations, Punjab, Lahore. This may be brought to the notice of all concerned for strict compliance.

NO.SOR-III(S&GAD)2-74/2008
Dated the 21st August 2009

NOTIFICATION

In exercise of the powers conferred upon him by section 23 of the Punjab Civil Servants Act, 1974 (VIII of 1974), in partial modification of Notification No. SOR-III-1-22/90 dated 01.09.1993, the Governor of the Punjab is pleased to direct that 20% vacancies in the cadre of Junior Clerk, Patwari, Driver, Naib Qasid, Mali, Farrash, Water Carrier and Chowkidar in all Government Departments shall stand reserved for the children of such Government servants in BS-1-5 and Junior Clerks/Patwaris (previously in BS-5 now upgraded to BS-7), who are either serving in the respective department/cadre or have retired. The eligibility criteria for selection to the reserved posts shall be as follows:

Nomenclature of post	Criteria for selection
Junior Clerk (BS-7)	All the posts of Junior Clerks falling in this quota shall be filled strictly on merit as per recruitment policy in vogue.
Patwari (BS-7)	All the posts of Patwaris falling in this quota shall be filled strictly on merit as per recruitment policy in vogue.
Driver (BS-4)	Only those candidates who possess valid driving license shall be eligible for the post of Driver. Respective Departmental Selection Committees shall conduct driving tests of all eligible candidates.
Naib Qasid/Mali/Farash/ Water Carrier/Chowkidar (BS-1)	The length of service of the parent whose son is a candidate shall be the sole criteria for determining inter se merit of the candidates.

Provided that:

iv) Only one child of a Government servant can avail the benefit of employment under 20% reserved quota for the children of above mentioned categories of Government employees in BS-1-5 including Junior Clerks/Patwaris (BS-7). For this purpose, an affidavit shall be obtained from the concerned employee that none of his children has previously been appointed under the said quota;

v) The vacancies shall be filled through the respective Departmental Recruitment Committees at time of general recruitment;

vi) The District cadre posts will be filled from amongst the candidates having the domicile of that district; and

vii) If none is available for appointment against the reserved quota, the post shall be filled through direct recruitment on open merit.

No. SOR-IV(S&GAD)10-1/2003
Dated the 13th February, 2009

Subject: RECRUITMENT AGAINST POSTS IN BS-1 TO 5 – LIFTING OF BAN

In continuation of this Department's letter of even number dated 03.02.2009 on the subject cited above, I am request that due publicity be given to the recruitment process.

2. It is also reiterated that recruitment may kindly be made in accordance with the provisions of Recruitment Policy and Contract Appointment Policy – 2004. Attention is also invited to Article 27 of the Constitution of Pakistan, which stands incorporated in para 9(i) of the Recruitment Policy – 2004, which reads as under:

> "9(i) Article 27 of the Constitution of Islamic Republic of Pakistan provides that no citizen, otherwise qualified for appointment in the Service of Pakistan (which includes Federal as well as Provincial Service) shall be discriminated against in respect of any such appointment on the ground of race, religion, caste, sex, residence or place of birth."

3. In view of the above, all appointing authorities are requested to ensure that while advertising the posts of Sanitary Workers, no specific category of persons be mentioned as eligible for such posts in order to avoid possible adverse affect on sensibilities.

No. SOR-IV(S&GAD)10-12/2011
Dated the 6th April 2012

Subject: EMPLOYMENT OF SHEMALES IN GOVERNMENT DEPARTMENTS

Kindly refer to the subject noted above.

2. The Supreme Court of Pakistan vide Order dated 01.02.20121 (copy enclosed) passed in Constitutional Petition No. 43 of 2009 filed by Dr. Muhammad Aslam Khaki has directed to ensure that:

> **"Shemales shall be accommodated against the Government jobs in accordance with rules and regulations."**

3. I am, therefore, directed to request you to instruct the Appointing Authorities under your control that while advertising the vacancies, it shall also be indicated that "**Shemales can apply, if eligible, against vacancies to be filled through open merit**."

Const. P. 43/2009-SJC
Supreme Court of Pakistan
Islamabad 7th February 2012

Subject: CONSTITUTION PETITION NO. 43 OF 2009

Dr. Muhammad Aslam Khaki & another .... Petitioners
Vs.
S.S.P. (Operations) Rawalpindi & others .... Respondents

I am directed to enclose herewith certified copy of the order dated 01.02.2012 passed in the above cited Constitution Petition.

2. I am further directed to invite your attention to the directions of the Court contained in the enclosed order (*below*) for information and further immediate necessary action on you part.

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

Present
Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice Khilji Arif Hussain
Mr. Justice Tariq Parvez

CONSTITUTION PETITION NO. 43 OF 2009

Dr. Muhammad Aslam Khaki & another Vs. SSP Operations, RWP, etc.

For the petitioner: Dr. M. Aslam Khaki, ASC with Almas Bobi, President, Shemale Association of Pakistan & Shahana Abbas, Sana Murslin, Asia, Taswur.

For the Federation: Mr. Muhammad Alizai, DAG.

For Govt. of Balochistan: Mr. Tahir Iqbal Khattak, Addl. PG. (on behalf of Balochistan)
Mr. Saleem Awan, Secy, SW.

For Govt. of KPK: Syed Arshad Hussain Shah, Addl. AG

For Govt. of Punjab: Mr. Jawad Hassan, Addl. AG
Mian Abdul Qudoos, Dir. SW

For Govt. of Sindh: Mr. Qasim Jat, ASC
(on behalf of AG Sindh)
Ms. Rehana Khatoon, Dy. Dir. SW

For NADRA:	Mr. Saqib Jamal, LO Addl. AG
For ICT:	Dr. Muhammad Athar, DHO, Ibd.
For Rwp. Police:	Mr. Waris Haider, SP Pothohar Town. Raja Tifoor, DSP, Taxila Sardar Shakeel Ahmed, SHO.
Date of hearing:	01.02.2012

ORDER

Mr. Saleem Awan, Secretary, Social Welfare Department, Government of Balochistan has appeared and submits a report; perusal whereof indicates that in different parts/cities of Province of Balochistan, 121 Shemales have been identified; NADRA is cooperating in preparing their CNIC and thereafter the Electoral List Registration Officer shall approached for registering their names as voters in the list; jobs against the post for which they were appointed on merit, without interference of the department, whereas seven other shemales are in different occupations; he states that steps are being taken for transfer of their ancestral properties in their names but no one amongst them have identified such property; he further informs that Shemale Welfare Centre is under construction, where psychological counseling facility will be provided to them.

2. In above view of the matter, we direct the Social Welfare Department to itself trace out the whereabouts of the properties with reference to families etc. of the shemales and transfer the same in their names; it shall also be ensured that shemales are accommodated against the Government jobs according to the rules and regulations and process of their registration as voter be completed expeditiously. A compliance report in this regard shall be submitted by the department to this Court before next date of hearing.

3. Learned Additional Advocate General KPK has appeared and states that 136 shemales have been identified, out of whom 53 have been registered by NADRA with the cooperation of the Provincial Government and their names hall also be incorporated in the Electoral List as voters. According to him all the Educational Institutions have been instructed to provide them education. He states that two shemales have already been accommodated against the Government jobs and this effort shall continue in future as well. According to him process of transfer of immovable properties, if any, inherited by anyone of them is also under process.

4. Similarly, learned Additional Advocate General Punjab states that so far process of granting CNIC by NADRA to shemales has been completed to the extent of 484 shemales; in respect of remaining shemales, there are certain technical problems, and the authorities are trying to overcome the same; he states that in the meantime, efforts are also being made to register their names in the Electoral List as voters.

The Government of Punjab is directed through the Advocate General to ensure that shemale shall be accommodated the Government job in accordance with rules and regulations.

5. Learned ASC appearing on behalf of Government of Sindh has submitted report, which indicates that the directions of this Court are being complied with in letter and spirit.

6. Dr. Muhammad Athar, DHO, Islamabad has appeared and states that about 10/11 shemales have been identified in area of Tarlai village and Muslim Colony, Bari Imam; however, according to him, for the time being they are not cooperating for registration of their names with the NADRA and enrolment of their names in the Electoral List.

7. The Deputy Manager (Legal), NADRA HQ has submitted report; operative para therefrom is reproduced herein below:

> "2. It is submitted that instructions in this regard have already been issued to all Regional Offices letter No. NADRA/HQ Ops/Tech/14 dated 30.01.2012 for implantation of Court order in true letter and spirit."

8. There is some dispute in respect of recording the parentage of the shemales on CNIC, as they are recognized by the name of their 'Guru' there claim is that the authorities be directed not to insists them to disclose their parentage. In this regard, the NADRA are directed to look into the matter and decide the issue strictly in accordance with rules and regulations and make all efforts to redress their grievance.

Similarly, it shall also be ensured that only 'khawaja saras' are being registered, after ascertaining that he/she is 'shemale' and anybody else, who is pretending to be 'shemale'.

9. As far as the official respondents i.e. SP Pothohar Town, Rwp. and DSP, Taxila are concerned,, they are not required to attend the Court in future, unless otherwise directed.

Adjourned to a date in office.

Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice Khilji Arif Hussain
Mr. Justice Tariq Parvez

No. SOR-IV(S&GAD)15-1/2012
Dated the 21st May, 2012

In exercise of the powers conferred under section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*), and in supersession of Notification No.SOR-III (S&GAD)1-35/93, dated 17.04.2002, the Governor of the Punjab is pleased to direct that notwithstanding anything contained to the contrary in the method of recruitment prescribed in all the service or recruitment rules but subject to paras 2 and 3 of this

notification, 15% of the total number of posts shall be reserved for women, where posts are to be filled through recruitment without any reference to gender.

2. The reservation of vacancies referred to above shall not apply to the:

(a) vacancies reserved for recruitment on the basis of competitive examinations to be conducted by Punjab Public Service Commission;
(b) recruitment made by promotion or transfer in accordance with the relevant rules;
(c) short term vacancies likely to last for less than six months; and
(d) isolated posts in which vacancies occur occasionally.

3. In case the vacancies reserved for women cannot be filled on account of non-availability of qualified women applicants, the said vacancies shall be treated as non-reserved and filled on merit.

No. SOR-I-10-1/2003
Dated the 16th June 2003

Subject: **RE-EMPLOYMENT POLICY OF RETIRED GOVERNMENT SERVANTS/ARMY PERSONNEL**

In order to streamline the procedure regarding re-employment of retired Government servants/Army personnel, the Chief Minister has desired that in future all cases of re-employment on contract must be examined by the Provincial Re-employment Board/Provincial Re-employment Committee in accordance with the policy and recommendations of the Board/Committee should be then submitted for orders of the Chief Minister.

2. The Administrative Departments shall observe the following guidelines while processing the cases for re-employment of retired personnel:

I. <u>RE-EMPLOYMENT TO BE GENERALLY AVOIDED</u>

i) Section 13 (I) of the Punjab Civil Servants Act, 1974 provides that a retired person shall not be re-employed under the Government unless such re-employment is necessary in the public interest.

ii) No Department or Authority shall re-employ or move a summary to the Chief Minister for re-employment of a retired Government servant without placing the case before the Provincial Re-employment Board/Committee, as the case may be.

iii) Re-employment after the age of superannuation/retirement shall generally be discouraged and shall only be made in very exceptional circumstances, where;

   a) suitable officer to replace the retiring officer is not available;
   b) the re-employment does not cause promotion blockade, even if re-employment is proposed against an ex-cadre post;
   c) the retired officer is a highly competent person with distinction in his professional field;
   d) retention of the retiring officer for a specific period is in the public interest.

iv) Re-employment shall not be allowed to retired officers beyond the age of 63 years.

v) Re-employment shall not be allowed to persons who have been or may be, retired on or after completion of 25 years service qualifying for pension.

vi) The period of re-employment shall not exceed three years.

II. CONSTITUTION OF RE-EMPLOYMENT BOARD/ COMMITTEE

The following Re-employment Board/Committee are constituted for making recommendations regarding re-employment of retired personnel:

♦i) PROVINCIAL RE-EMPLOYMENT BOARD FOR POSTS IN BS-18 AND ABOVE

a)	Chief Secretary	Chairman
b)	Additional Chief Secretary	Member
c)	Secretary Finance	Member
d)	Secretary Law & P.A.	Member
e)	Secretary Regulations	Member
f)	Secretary of the Department to which the post relates	Member
g)	Secretary Services	Member/ Secretary
h)	A representative of Punjab Public Service Commission	Member

ii) PROVINCIAL RE-EMPLOYMENT COMMITTEE FOR POSTS IN BS-1 TO BS-17 AND ABOVE

a)	Additional Chief Secretary	Chairman
b)	Secretary Finance	Member
c)	Secretary Law & P.A.	Member
d)	Secretary Regulations	Member
e)	Secretary of the Department to which the post relates	Member
f)	Secretary Services	Member /Secretary
h)	A representative of Punjab Public Service Commission	Member

III. PROCEDURE FOR PROCESSING OF CASES FOR RE-EMPLOYMENT

1) The proposals for re-employment to be placed before the Re-employment Board/Committee shall be duly signed by the Secretary of the Administrative Department concerned and approved by the Minister Incharge and sent to S&GAD (Services Wing).
2) Where Chief Minister is Minister Incharge of a Department, the case may first be referred to

♦Provincial Re-employment Board/Committee re-constituted vide Notification No. SOR-I(S&GAD) 10-1/2003 dated 26.06.2006.

Provincial Re-employment Board/Committee by the respective Administrative Department and, thereafter, it may be sent to Chief Minister for final approval.

3) The working paper to be submitted to Provincial Re-employment Board should contain following information/certificates:

   (a) Complete history of service of the officer.
   (b) CR synopsis/dossier of the officer.
   (c) Detail of extraordinary qualities/capabilities of the concerned officer, which necessitate his/her re-employment.
   (d) Certificate to the effect that no promotion will be blocked (even if the re-employment is recommended against ex-cadre post).
   (e) Certificate to the effect that no suitable officer is available for filling the vacancy.
   (f) Detail of in-service officers in the line, who could be promoted/posted against the post (if any) along with their service record/CR Dossier.
   (g) Detailed reasons for not preparing for the replacement/relief of the retiring officer.

4) The minutes/recommendations of the Board/Committee shall be recorded by the Services Wing of S&GAD and issued after the approval of the Chairman of the Board/Committee.
5) The recommendations of the Board/Committee shall be placed before the Chief Minister for approval, irrespective of the scale of the post.
6) For posts in BS-1 to 17, the relevant department shall move summary for the Chief Minister for his approval, as per recommendations of the Re-employment Committee.
7) For posts in BS-18 and above, the Services Wing of S&GAD shall move summary for the Chief Minister, as per recommendations of the Re-employment Board.
8) The terms and conditions of re-employment on contract shall be settled by the Administrative Department in consultation with the Finance Department.

IV. APPLICATION OF THE PROVISIONS OF THIS POLICY

1) The provisions of the Policy shall apply to all cases of re-employment of retired civil/Government servants.
2) These instructions shall apply mutates mutandis in cases of re-employment in autonomous/semi-autonomous organizations under the control of Provincial Government.
3) The cases of re-employment of Army officers against posts in BS-18 and above shall also be processed in accordance with the above instructions and placed before

the Re-employment Board for consideration before submitting the case to the Chief Minister.

4) The provisions of this Policy shall not be applicable in the case of appointments against the posts of Chairmen/ Members of the Punjab Services Tribunal and the Punjab Public Service Commission.

3. This issue with the approval of the Chief Minister, Punjab. All the Administrative Departments/Authorities are requested to ensure strict compliance of this Policy, at all levels.

4. The existing instructions issued from time to time on the subject shall be treated as withdrawn. However, the Government instructions issued vide Finance Department's circular letter No. SO(B&E-I)Misc.14/2001 dated 23.10.2001 shall remain in tact till further orders.

No. SOR-I-10-1/2003
Dated the 6th September 2003

Subject: RE-EMPLOYMENT POLICY OF RETIRED GOVERNMENT SERVANTS/ ARMY PERSONNEL—PROFORMA

I am directed to refer to the latest Re-employment Policy of the Provincial Government of the Punjab issued vide S&GAD circular letter of even No. dated 16.06.2003 and to forward necessary proforma for preparing/submitting reemployment proposals for information/guidance.

PROFORMA FOR RE-EMPLOYMENT AFTER RETIREMENT

1. Name of the Department/Autonomous Body/ Corporation proposing re-employment.
2. Post and basic scale against which re-employment has been proposed.
3. Name of retired/retiring person proposed for re-employment.
4. Date of his/her retirement on attaining the age of superannuation.
5. The post and B.S. held by him/her at the time of his/her superannuation.
6. Complete history of service of the officer.
7. Detailed reasons for recommending re-employment of the officer highlighting his/her extraordinary qualities/capabilities, qualifications and experience, which necessitated his/her re-employment.
8. Detail of in-service officers in the line, who could be promoted/posted against the post, if any, along with their service record/C.R. Dossier.
9. Certificate to the effect that no suitable replacement is available and detailed reasons for not preparing for the replacement of retiring officer.
10. Certificate to the effect that no promotion will be

blocked even if the re-employment is recommended against ex-cadre post and that the re-employment of the officer is entirely in the public interest.

11. C.R. Synopsis/Dossier of the officer.
12. Certificate of fitness for re-employment by a competent Medical Board.
13. Approval of the Minister In-charge to the proposal for re-employment of the retiring officer.

No. SOR-I-10-1/2003
Dated the 11th March 2004

Subject: RE-EMPLOYMENT POLICY OF RETIRED GOVERNMENT SERVANTS/ ARMY PERSONNEL

I am directed to refer to the subject noted above and to state that Section 13(1) of the Punjab Civil Servants Act, 1974 provides that a retired civil servant shall not be re-employed under the Government unless such re-employment is necessary in the public interest.

2. Retirement from service includes retirement on invalidation basis, superannuation, voluntary retirement after 25 years qualifying service for pension, compulsory retirement under section 12 of the Punjab Civil Servants Act, 1974 as well as compulsory retirement as a major penalty imposed under E&D Rules/PRSO (Special Powers) Ordinance 2000, as provided in the Punjab Civil Servants Pension Rules, 1963. In order to streamline the procedure of re-employment of retired civil servant/retired Army Personnel, Government has issued a Re-employment Policy vide this department's circular letter of even number dated 16.06.2003.

3. In the Re-employment Policy it has clearly been laid down that:

i) The re-employment shall only be made in the public interest.
ii) No department or Authority shall re-employ a retired Government servant without placing his case before the provincial Re-employment Board/Committee as the case may be.
iii) Re-employment shall only be made in very exceptional cases, particularly where suitable officer to replace the retiring officer is not available and the retired officer is a highly competent person with distinction in his professional field.
iv) Re-employment shall not be allowed to persons who have been, or may be, retired on or after completion of 25 years qualifying service for pension.
v) The period of re-employment shall not exceed three years.

4. It has been noticed with concern that various departments/offices are granting re-employment to the retired Government servants either through open competition or by issuing executive orders without observing the yardstick, criteria and procedure laid down in the latest Re-employment Policy of the Punjab

Government. Even the civil servants retired on other grounds/basis than superannuation are also being allowed re-employment, which is a grave violation of rules and policy on the part of the authorities concerned.

5. I am, therefore, directed to request that provisions of Section 13 of the Punjab Civil Servants Act, 1974 and Re-employment Policy of the Punjab Government may please be strictly adhered to, while making re-employment of retired civil servants.

No. SO (COORD) 1-13/79
Dated the 16th March 1980

Subject: **TRANSFER POLICY**

I am directed to say that in supersession of all previous instructions on the subject, the Government has prepared a fresh transfer policy, which will come into force with immediate effect.

TRANSFER POLICY

The subject of posting and transfers is an important personnel function. It is complementary to officer's career-planning/management. It is only through a balance and correct adjustment of officers, according to experience and qualifications that a corps of competent and qualified civil servants is provided to the society. The achievement of this laudable objective is ensured mainly through postings, based on experience, qualifications, and merit. Proper career management envisages that an officer should be provided equal opportunities of holding secretariat/staff and field appointments so that he may acquire right type of experience at various stages of his career. Rotation between field and secretariat/staff appointments, therefore, need hardly be emphasized.

The policy of postings should be designed so as to ensure stability in the appointments to encourage professionalism by recognizing and promoting merit, while providing an all-round experience to the individual officers. In order to avoid stagnation in performance and ideas and to provide dynamic administration, repeated appointments to the same type of job need to be avoided unless in some special cases, specialization is desired. The transfer policy is to be guided foremost by the service of public interest and the individual's interest is to be integrated therewith as far as possible for ensuring greater harmony and efficiency. Important assignments need to be filled in by those officers who have good record of service so that they may develop their talent and may make maximum contribution to the public welfare. In cases, where officers show certain weaknesses in professional and character traits, they may be so positioned as to be amenable to direction, advice and guidance.

As a rule every civil servant shall be liable to serve anywhere within or outside the province in any post under the Government of Punjab or the Federal Government or any other provincial Government or a local authority or a corporation or a body set up or established by any such Government. Where a civil servant is required to serve in a post outside this service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled, if he had not been so required to serve. This condition is not applicable to the transfer of an officer on account of inefficiency or misbehavior or when he is transferred on his written request.

Transfers of officers and staff shall be made by the authorities specified in Schedule-V to the Punjab Government Rules of Business, 1974, and the Delegation of Powers Rules pertaining to different departments but S&GAD shall be consulted, if it is proposed to transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure. Before completion of tenure, every officer may be asked to indicate four places of his choice for posting.

No transfer shall normally be made except under the following circumstances:

a) On completion of tenure/prescribed stay at hard stations.
b) On completion of 3 years stay at a particular station in other cases.
c) On compassionate grounds.
d) On disciplinary grounds.
e) On promotion/demotion.
f) Administrative requirements.
g) No officer/official shall be transferred, who is under special report nor shall earned leave be granted to him except by the order of the authority, which placed him under such report.

Transfer before the completion of the period of tenure should be ordered only if the competent authority is satisfied that:

a) The transfer involves appointment to higher service or a post carrying higher emoluments.
b) The transfer is being made to a post for which the officer has special aptitude, qualifications or experience.
c) The officer has proved unsuitable in the post from which he is being transferred.
d) The officer holding a lien on the post, has become available.
e) The transfer is on compassionate grounds.

Transfers should correspond to academic year unless exigencies of service require otherwise and wherever possible three months notice should be given for routing transfers.

An officer under order of transfer should not be allowed leave for any period except by the authority ordering transfer.

Officers will not be transferred as a result of their taking short leave or their being deputed for training courses for less than 6 months duration. In such cases only an acting arrangement will be made.

If an officer gets a below average assessment from his superior officer, he will be transferred to work under another superior officer.

Government servants under transfer may represent against the order and the representation should be decided by the authority next above transferring authority (except where the transfer has been ordered by the Governor) expeditiously as far as possible, within one month. Officers who submit representations for cancellation or holding in abeyance of transfer order on compassionate grounds may be allowed to stay back till their representations are decided and their relievers should be informed simultaneously.

As far as possible comparatively young officers should be posted against field jobs in the sub-divisions.

No transfer should be made on the ground that the concerned officials are not amenable to discipline or do not exert themselves in their work. Disciplinary action should, on the other hand, be taken against such officers in accordance with the rules.

Officers in BS-16 and above should not, except for exceptional circumstances, be posted to their home districts.

The ban will not apply to;

i) Government servants working in educational institutions and medical colleges and posted at Secretariat, Headquarters and in the Regional and Divisional offices.
ii) Government servants on deputation to autonomous or semi-autonomous bodies. (However, autonomous bodies would endeavor to ensure that BS-16 and above officers working on posts which are in the nature of field posts at the district level, will not normally be posted to their home districts).
iii) Persons who are highly specialized or for whom suitable replacement is not available or for whom reasonably suitable posts outside their home districts are not available.
iv) Officers who are due to retire in two years or less.
v) Persons who are appointed as a stopgap arrangements.

Officers in scales below BS-16 (except clerical staff and other officials below BS-7) may not be posted in their own tehsils.

Officials who are liable to transfer should not ordinarily be allowed to stay at Lahore for more than five years at a time. The period of five years will be calculated in the manner indicated in Government of the Punjab, S&GAD's letter No. SOXII-(S&GAD) 8-1/65, dated 14th May, 1969 (Annexure-I). Exemption from the operation of this rule can be allowed only in the following cases:

i) Transfers from educational institutions e.g. Government College, Medical College, Central Training College, High Schools may not be ordered automatically. Transfers in these cases may, however, be ordered bearing in mind the present practice and rules in the various institutions, maintenance of the efficiency of the institutions, availability of good substitutes and the necessity of keeping continuity of traditions, research and courses. These cases may be decided by the administrative departments.
ii) If a Government servant on deputation to an autonomous or semi-autonomous body has been at Lahore for a long period, he may be allowed to complete his tenure with the autonomous body.
iii) Persons who are highly specialized or for whom suitable replacement is not available or for whom reasonably suitable post outside Lahore is not available may be continued, and
iv) Officers due to retire in about two years time, may continue. Orders of S&GAD shall be obtained in case falling in categories (ii) to (iv). Officers who have been at Lahore for five years or more should not be sent on deputation to autonomous or semi-

autonomous bodies at Lahore, as this would amount to an evasion of rule.

Normally the competent authority should make an effort to post husband and wife, when both are Government servants at one station, unless administratively it is not practicable.

Transfer of low paid employees to far-flung places should be avoided. If at all a low paid official has to be transferred, he should be transferred from one desk to another in the same office.

Officers will normally be posted to or near their hometown within 2 years of their retirement.

Normally an officer on transfer may be allowed to avail himself of joining time and telegraphic orders disallowing joining time may be avoided.

No request for transfer of an officer on complaint or unfitness to hold a post shall be entertained unless the officer has spent at least three months on his present assignment and a special report has been initiated on his performance.

Any attempt to obstruct, delay, evade or disregard the orders of transfers is viewed by Government with displeasure and may render the person concerned liable to disciplinary action. Canvassing for transfer is strictly prohibited.

ANNEXURE – I

EXTRACT TAKEN FROM O&M ESTABLISHMENT MANUAL VOLUME - II (REVISED) 1974

Subject: TRANSFER OUT OF LAHORE OF OFFICERS WHO HAVE BEEN IN LAHORE FOR FOUR YEARS OR MORE

I am directed to refer to this Department's Circular letter No.SOXII(S&GAD)8-1/665, dated the 13th December, 1966 on the subject noted above and to state that a clarification has been sought with regard to calculation of the period of four years stay. The points for clarification are mentioned below:

i) There are certain officers who have been in Lahore for some years and thereafter they proceeded abroad for training for a period, which has exceeded two years in some case, and on return they were re-posted at Lahore. The question for consideration is whether this absence on training is to be considered as break in the posting period and whether a minimum period of training abroad should be laid down for the purpose of calculation of total period of stay at Lahore.

ii) There are certain officers who were promoted from ministerial service and thereby their total stay in Lahore including subordinate

and gazetted service comes to more than four years, while in gazetted service is less than four years. The question for consideration is whether the Ministerial service is to be counted towards four years stay at Lahore.

2. With regard to (I) the period of absence on leave or for training irrespective of the length of the period should be deducted from the total period of stay. In other words, the period, preceding the leave or training period abroad and the period succeeding this period should be added up for the calculation of the stay at one station.

3. With regard to (2) the policy of transfer under four years rule does not apply to the members of the ministerial or subordinate service or officers below the rank of Class II service. The period of stay should, therefore, be counted from the date of a person enters Class II or Class I or equivalent post.

4. Above principles should also be applied to the posting of officers at Rawalpindi and Karachi.

No. SI.1-11/78
Dated the 8th September 1982

Subject: TRANSFER POLICY

I am directed to refer to this department letter No. SO (Coord)1-13/79, dated 16th March, 1980 on the subject cited above and to say that the Government have decided that in the transfer policy circulated by the Government of the Punjab, S&GAD, vide its circular letter, referred to above, Rule 19 shall be substituted as below:

> "Officers/officials due to retire on attaining the age of superannuation in two years will be given a choice of their last posting. This choice will be either for the station or for the post, but not for both. The authority competent to order transfer will, so far as possible, honour the choice of the officer/official but will not be bound to do so. In particular, lucrative appointments will not be given, especially to officers/officials of ill repute."

No. SO (Coord) 1-4/85,
Dated the 3rd November 1985

Subject: INCENTIVES FOR WORKING IN UNATTRACTIVE AREAS

I am directed to refer to the above cited above and to state that it has been decided to give the following additional incentives to all those Government servants who are entitled to get the compensatory allowance called unattractive areas allowance:

i) Preference will be given in the matter of training abroad in the relevant field.
ii) The tenure of posting will be two years instead of three years.
iii) They will be granted fifteen days leave on completion of one year's satisfactory service as recreation leave.

No. SO (COORD) 1-13/86
Dated the 17th November 1986

Subject: TRANSFER POLICY

I am directed to refer to this department's letter of even number dated 16th March, 1980 on the subject noted above and to say that in pursuance of the cabinet decision taken in its meeting held on 22nd September, 1986, the paragraphs 14 and 15 of the existing transfer policy are amended as under:

a) Deputy district education officers who are in BS-17 are exempted from the restrictions on their posting in their home district, subject to the conditions that they will not be posted to their home tehsil.
b) Female civil servants in BS below 16 working in the Government of the Punjab are exempted from the restriction on posting in their home tehsil.
c) It was also decided to exempt women medical officers posted in periphery from the district on their posting in their home district/home tehsil.

No. SO(COORD)6-16/85(3166)
Dated the 10th March 1987

Subject: CHECK ON FREQUENT TRANSFER OF OFFICERS

I am directed to refer to the former Government of West Pakistan circular letter No. SOXII (S&GAD) 8-8/67, dated 04.07.1968 on the above subject and to reiterate that the principles laid down therein should be strictly observed while ordering transfer of officers. Normally, officers should be allowed to complete the period of tenure at their stations of posting and frequent transfers should be avoided. Premature transfers should be ordered only in the cases falling under categories (a) to (e) of the said letter.

No. SO (COORD) 6-10/87
Dated the 23rd November 1987

Subject: TRANSFER POLICY

In continuation of this Department's letter No. SO (Coord) 6-16/85, dated 10.03.1987 on the above subject, I am directed to state that the Chief Minister Punjab has been pleased to direct that steps may be taken to ensure that low paid employees in all the Departments/Organizations of the Provincial Government are posted near the place of their choice i.e. their domicile, as far as possible. It is also advised that wherever needed the transfer powers may be delegated to such lower levels as are considered appropriate and if required the existing rules be amended.

No. SO (COORD)6-16/85
Dated the 24th April 1988

Subject: TRANSFER POLICY

I am directed to refer to this department's letter No. SO (Coord)1-13/79, dated 16th March, 1980 and SO (Coord) 6-37/87, dated 1st December, 1987 on the above subject and to state that the Transfer Policy circulated therewith was issued after the approval of the then Governor/MLA and that proposals seeking relaxation of any of its provisions should be formulated in the form of a summary for the Chief Minister, Punjab which may be routed through this Department.

2. I am further to add that transfer orders not in accordance with the provisions of the said Transfer Policy should be issued only after the Chief Minister Punjab has approved relaxation of provisions, thereof.

No. US(LIAISON)(I&C)/1-17/89
Dated the 4th January 1990

Subject: PROPOSALS FOR RELAXATION OF BAN ON TRANSFER

It has been observed that proposals for relaxation of ban on transfer submitted to the Chief Secretary by various Administrative Departments are deficient in one or all of the following:

i) The rationale for proposing the transfer is usually not cited. The proposal has to be adequately justified considering that relaxation can only be granted to avert hardship or to fill a vacancy.
ii) The dates of the present posting of the officers/officials being proposed for transfer are not always indicated.
iii) The further disposal of the officers/official being replaced is usually not specified.

2. It is requested that in future proposals for relaxation of ban on transfer be submitted to the Chief Secretary complete in all respect including the aforesaid information.

PROFORMA FOR RELAXATION OF BAN ON TRANSFER

Sr. No.	Name/Grade/ Designation of officer proposed for transfer	District of domicile	Present posting with date	Proposed place of posting with grade of post	Name & period of posting of officer being replaced	Disposal of officers being replaced	Rationale for transfer proposal
1	2	3	4	5	6	7	8

Signature of
Head of Attached Department____________

Signature of
Administrative Secretary________________

ORDER
PROPOSAL (S) AT SR.NO. _____ IS/ARE APPROVED
PROPOSAL (S) AT SR.NO. _____ IS/ARE NOT APPROVED

(CHIEF SECRETARY)
PUNJAB

No. SO(Coord)6-6/90
Dated the 27th January 1990

Subject: BAN ON POSTING/TRANSFERS IN ALL DEPARTMENTS

I am directed to refer to this department's letter No. US (L) (I&C)1-177/89 dated the 18th September, 1989, on the subject noted above and to say that some of the proposals for relaxation of ban on transfers submitted to the Chief Secretary by various administrative departments have been observed to be deficient in one or all of the following:

i) The rationale for proposing the transfer is usually not cited. The proposal has to be adequately justified considering that relaxation can only be granted to avert hardship or to fill a vacancy.

ii) The dates of the present posting of the officers/officials being proposed for transfer are not always indicated.

iii) The further disposal of the officers/official being replaced is usually not specified.

2. I am, therefore, directed to request you that proposals for relaxation of ban on postings/transfers may be submitted to the Chief Secretary on the attached proforma.

NO.SOR-I(S&GAD)17-15/2008
Dated the 19th March 2009

Subject: POSTING/TRANSFER OF OFFICERS – RELINQUISHING OF CHARGE

I am directed to state that postings/transfers of officers are a routine function of the Government Departments and the officers on their transfer are expected to comply with the orders of competent authorities and relinquish the charge of the post forthwith and assume charge of the new assignment. However, some of the Administrative Departments approached the S&GAD for taking

disciplinary action against the officers who had relinquished the charge of the post held by them. The Administrative Departments were of the view that charge was relinquished by the officer on transfer without their approval. The issue has been examined in the S&GAD and it has been decided that henceforth the following course of action may be followed by all the Administrative Departments/authorities:

(i) The officer transferred should, on receipt of posting/transfer orders issued by the competent authority, relinquish the charge forthwith. The concerned Department/Organization should forward his charge relinquish report to the concerned authorities including the District Accounts Officer/Accountant General, Punjab without any delay.

(ii) If the officer so transferred is handling an assignment of special, sensitive, financial or confidential nature and cannot be relieved without making alternate arrangement then he should be relieved by entrusting the duties/functions to some other suitable officer provisionally. This process should not take more than one working day after receipt of the transfer orders.

(iii) If for any reason the posting/transfer order cannot be implemented then the competent authority may be approached for cancellation of posting/transfer orders immediately after receipt of the transfer orders. However, this process should not take more than two days. The Competent Authority is expected to take a decision on such requests within 3 days positively.

(iv) In case any officer to the Federal Government serving in the Punjab is transferred by the Federal Government then orders of the competent authority in the Punjab Government may be awaited before relieving the officer.

2. This issues with the approval of the Governor, Punjab.

No. SI.1-1/2003
Dated the 18th January 2005

Subject: TENURE POLICY

I am directed to refer to the subject noted above and to intimate that an Agenda Item No.4 titled 'Tenure Policy' was placed before the Provincial Cabinet in its meeting held on 06.10.2004 in which the Cabinet approved a minimum tenure of one year for posting of officers/officials, with the following observations:

i) Tenure of one year should not be taken as a license for wrongdoing or inefficiency rather this tenure is aimed at enhancing efficiency and performance.

ii) The fixation of tenure of one year is a temporary measure and the final recommendations are to be formulated by the Cabinet Committee which had been constituted earlier.

iii) Tenure of one year should be applicable to Government servants of all grades/scales.

2. In view of the above, I am further directed to request you to kindly comply with the above said decision of the Provincial Cabinet in letter and spirit.

Civil petition No. 175 (L) of 1995, decided on 19th March, 1995
(On appeal from the judgment/order dated 12.02.1995 of Lahore High Court Lahore, passed in writ petition No. 995 of 1995)

Constitution of Pakistan, 1973—

Art, 212-Petitioner-Success transfers of — this court feels that the manner in which such transfer orders were passed supported the contention of the petitioner that these are not based on any exigency of service but were of reasons which bore no nexus with that spirit and object of the rules governing the transfer of a Government servant — Secretary LG&RD, when called upon to explain stated that he had no role in the successively transfers of the petitioner as all the orders by which he was bound to comply that inherent helplessness noticed in the statement that: More submission to the will of superior was not a commandable trait in a bureaucrat—Further held: That if the transfer orders in this case would have been made in accordance with the policy directives of the Government and power exercised by the competent authority as contemplated by Rule 21 (2) read with maneuvering by the officers violation by such transfer. The fact that the transfers were made in violation of policy directive of the Govt. Which had the Status of a Rule —And provision of Rule 21 (2) ibid were not followed strictly opened the door for the Government servant concerned to bring in outside influence to obtain the desired transfer — It is expected that the guidelines mentioned in the policy directive of the Govt. And the Provisions of rule 21 of Rules of Business will be kept in view by all concerned while dealing with the transfers of Government servants — Petition dismissed.

For the Petition: Dr. A. Basit, ASC, with Ch. Mehdi Khan Mehtar, AOR.
For the Respondent: Farooq Badar, Additional A.G. Punjab.
Date of hearing 19th March, 1995.

JUDGMENT

SAIDUZZAMAN SIDDIQUI, J. The petitioner, an employee of Punjab, Local Government and Rural Department (LG&RD) challenged his transfer order dated 23.01.1995, from Muzaffargarh in a Constitutional Petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, hereinafter to be referred as the Constitution only before the Lahore High Court. A learned Judge in chamber by order dated 12.02.1995, dismissed the petition as not maintainable, in view of the bar contained in Article 212 of the Constitution. The petitioner is seeking leave to appeal against the above order of the Lahore High Court.

2. Dr. A. Basit, the learned counsel for the petitioner, firstly, contended before us that the transfer of a Government servant does not fall within the scope of terms and conditions of the service and as such the bar contained in Article 212 of the Constitution is not applicable to the case of the petitioner. In the alternative, the learned counsel for the petition very vehemently contended that the transfer order of the petitioner being malicious and having been passed by the authority not competent under the law, for objects wholly alien to the Punjab Civil Servants Act (hereinafter to be referred as 'the Act' only) was coram non judice and as such it could be challenged before the High Court in a Constitutional Petition under Article 199 of the Constitution notwithstanding the bar contemplated in Article 212 of the Constitution. In support of his contention, the learned counsel for the petitioner relied on the case of Pir Sabir Shah —Government of NWFP (PLD 1994 SC 738).

3. Mr. Farooq Bedar, the learned Additional Advocate General, Punjab, though opposed the grant of leave in the petition on the ground of its incompetence, but on our query frankly stated that 4 orders of transfer of petitioner passed in quick succession within a period of less than a month were not only unusual but also offended against the declared policy of Government relating to the transfer of Government servants.

4. On a tentative examination of the material produced before us in the case, we also felt that the manner in which successive transfer orders of the petitioner were passed in the case, supported the contention of the petitioner that these transfer orders were not based on any exigency of service but were for reasons which bore no nexus with the spirit and object of Rules governing the transfer of a Government servant. We, accordingly, directed the learned Additional A.G. to seek instructions from the authorities concerned and place before us full facts concerning frequent transfers of the petitioner between the period from 04.07.1994 to 23.01.1995. The learned Addl. AG. in response to our direction candidly submitted before us a detailed note today, containing the facts relating to the transfer of petitioner between the period from 04.07.1994 to 23.01.1995. After going through this note, we were convinced that the various transfer orders of petitioner passed between the period from 04.07.1994 to 23.01.1995 could not be described/treated as a normal incident of transfer in service but were based on extraneous considerations bearing no nexus with the object and spirit of rules governing the transfer of Government servants. We, accordingly, further directed the Secretary Local Government and Rural Department, Punjab to appear before us in the case at 11.30 a.m. and state the reasons behind this unusual and frequent transfer of the petitioner. Mr. Shafqat Ezdi Shah, Secretary, LG&RD accordingly appeared before us at 11.30 a.m. and stated that he had no role in the successive transfers of the petitioner in the case. According to Mr. Shafqat Ezdi Shah, all the orders for transfer of the petitioner in the case were passed by the Minister in-charge of his department which, he was bound to comply. The inherent helplessness noticed by us in the above statement of the secretary LG&RD was not only shocking but also disappointing. We need not stress here that a tamed and subservient bureaucracy can neither be helpful to Government nor it is expected to inspire public confidence in the administration. Good governance is largely dependent on an upright, honest and strong bureaucracy. Therefore, mere submission to the will of superior is not a commendable trait to a bureaucrat. Elected representative placed as incahrge of administrative departments of Government are not expected to carry with them a deep insight in the complexities of administration. The duty of a bureaucrat, therefore, is to apprise these elected representatives of the nicety of administration and provide them correct guidance in discharge of their functions in accordance with the law. Succumbing to each and every order or direction of such election functionaries sometimes amount to an act of indiscretion on the part of bureaucrat, which may not be justifiable on the plans of hierarchical discipline. It hardly needs to be mentioned that a Government servant is expected to comply only these orders/directions of his superior, which are legal and within his competence. Compliance of an illegal or an incompetent direction order can neither be justified on the plea that it came from a superior authority nor it could be defended on the ground that its non-compliance would have exposed the concerned Government servant to the risk of disciplinary action.

5. In the case before us, the Minster of LG&RD directed secretary LG&RD on 03.08.19994 that Sh. Ehsan Elahi, Asstt. Engineer, LG&RD, Lodhran, be transferred

and posted as AE. Faisalabad, vide Sh. Zahid Akhtar (petitioner) who was transferred from Faisalabad and posted as AE. Kasur. Copy of the order of Minister was endorsed to Nawab Sher Waseer MPA, Haji Muhammad Ismail MPA and Mr. Wasee Zafar MPA Secretary LG&RD complied with the above order of the Minister LG&RD and issued the necessary notification dated 04.08.1994. On 10.08.1994, the Minister LG&RD cancelled the posting of petitioner and allowed Mr. Khalid Mahmood, LCS Engineer, to continue as AE Kasur on deputation. Copy of this order was endorsed to besides the Secretary LG&RD to Rao Abdul Qayyum MP A PP-151 and Sardar Hussain Dogar MPA PP-146. The Secretary LG&RD complied with this order of the Minister on 16.08.1994. On 13.9.1991 the Minister LG&RD was again pleased to direct that the petitioner, who was awaiting posting, be posted as AE. LG&RD Faisalabad vice Sh. Ehsan Ellahi, who should report to Government of this further posting. Copy of this order for Minister was endorsed to Secretary LG&RD and Mr. Wasi Zafar MPA, Faisalabad. The Secretary LG&RD on 19.09.1994 complied with the order of Hon’able Chief Minister's Secretariat on 05.10.1994, informing Secretary LG&RD that posting of Sh. Ehsan Ellahi as S.D.O. in the Local Government Faisalabad, has been approved by the Chief Minister. Copy of this letter was endorsed to Minister LG&RD. Consequent to this order, the Secretary LG&RD recalled his earlier orders dated 19.09.1994, transferring Sh. Ehasan Ellahi, from Faisalabad to Narowal and reposted him as AE. Faisalabad. As a result thereof the petitioner, who was posted as A.E. Faisalabad was transferred from there and was directed to report to the LG&RD Department, Government of the Punjab. The petitioner thereafter, awaited his posting until 28.12.1994 when the Hon'able Minister for LG&RD passed an order for his posting as AE. LG&RD Muzaffargarh vice. Mr. Abdul Khaliq, who was directed to report to Government for further posting. Copy of this letter was endorsed by the Minister to Malik Bilal Mustafa Khar, MPA PP-213, Muzaffargarh. This order was complied by the Secretary LG&RD on 29.12.1994. The Hon’able Minister LG&RD on 09.01.1994 cancelled the posting order of petitioner issued by Secretary LG&RD in compliance of his orders dated 29.12.1994 and directed that Abdul Khaliq should continue as AK Muzaffargarh. Copy of this order of the Minister was endorsed to Malik Bilal Mustafa Khar MPA, Muzaffargarh. The Secretary LG&RD immediately complied with the above directions of his Minister by issuing another order dated 10.01.1995 cancelling the posting order of petitioner dated 29.12.1994. On 16.01.1995, the Hon’able Minister LG&RD again issued an order directing Secretary LG&RD to post the petitioner as AE. LG&RD Muzaffargarh vice Abdul Khaliq, AE, who was directed to report to Government for further posting. Copy of this order of Minister was endorsed to Malik Abdul Rehman Khan, MPA, Muzaffargarh. No sooner the above order of Minister LG&RD was implemented by the Secretary by issuing the posting order dated 18.01.1995, another order was issued by the Hon’able Minister LG&RD on 21.01.1995 canceling the order of Secretary LG&RD dated 18.01.1995 which he had issued in compliance with the earlier order of Minister dated 10.01.1995. The Secretary LG&RD dutifully complied with the orders of the Minister and issued another order dared 23.01.1995 canceling earlier posting of the petitioner.

6. The narration of the above facts makes it abundantly clear that none of the orders in the case passed by the Hon'able Minister, transferring or canceling the posting of the petitioner was motivated by the exigencies of the service. The endorsements on the letter of the Minister LG&RD produced before us, sufficiently unveiled the forces at work in the background of these transfers. It required no

intelligence to conclude that these transfer orders were passed by the Hon'able Minister for reasons which had no bearing either with the exigencies of the service or with the good administration of the department. The scenario looked more like a little of wits than an ordinary case of transfer of Government servant as every time the petitioner was able to get a posting order for a particular station. The incumbent already working there was able to frustrate it, perhaps with his better approach or connections, leaving the petitioner in lurch. The ugly situation could be avoided easily by following the existing policy and rules in this regard. The Government of Punjab, as late as 16.03.1980, issued memorandum No. S.O. (COORD) 1-13/79 laying down the broad guidelines for transfer of Government servants. Paragraph 4 of this policy decision lays down amongst other, the following principles for transfer of Government servants.

> "4. Transfers of officers and staff shall be made by the authorities specified in Schedule-V to the Punjab Government Rules of Business, 1974 and the Delegation of Powers Rules pertaining to different departments but Services, General Administration and Information Department shall be consulted, if it is proposed to transfer the holder of a tenure post before the completion of his tenure. Before completion of tenure, every officer may be asked to indicate four places of his choice for posting.
>
> No transfer shall normally be made except under the following circumstances:
>
> a) On completion of tenure/prescribed stay at hard stations.
> b) On completion of 3 years stay at a particular station in other cases.
> c) On compassionate grounds.
> d) On disciplinary grounds.
> e) On promotion/demotion.
> f) Administrative requirements.
> g) No officer/official shall be transferred, who is under special report nor shall earned leave be granted to him except by the order of the authority which placed him under such report.
>
> Transfer before the completion of period of tenure should be ordered only if the competent authority is satisfied that:
>
> a) The transfer involves appointment to higher service or a post carrying higher emoluments.
> b) The transfer is being made to a post for which the officer has special aptitude, qualifications or experience.
> c) The officer has proved unsuitable in the post from which he is being transferred.
> d) The officer holding a lien on the post, has become available.
> e) The transfer is on compassionate grounds."

7. No request for transfer of an officer on complaint or fitness to hold a post shall be entertained unless the officer has spent at least three months on his present assignment and a special report has been initiated on his performance.

The spirit behind the transfer policy was stated in the above policy decision as follows:

> "The policy of postings should be designed so as to ensure stability in appointments to encourage professionalism by recognizing and promoting merit, while providing an all-round experience to individual officers. In order to avoid stagnation in performance and ideas and to provide dynamic administration, repeated appointments to the same type of job need to be avoided unless in some special cases, specialization is desired. The transfer policy is to be guided foremost by the service of public interest, and the individual's interest is to be integrated therewith as far as possible for ensuring greater harmony and efficiency. Important assignments need to be filled in by those officers, who have good record of service so that they may develop their talent and may make maximum contribution to the public welfare. In case, where ·officers show certain weaknesses in professional and character traits, they may be so positioned as to be amendable to direction, advice and guidance."

8. The Rules of Business (Provincial Government) 1974 framed under Article 139 of the Constitution in respect of Province of Punjab, lays down the functions of the Provincial Minister, incharge of an administrative department as follows:-

"6. Functions of the Minister

A Minister shall -

(a) be responsible for policy matters and for the conduct of business of his Department:

Provided that in important political economic or administrative matters, the Minister shall consult the Chief Minister;

(b) submit cases to the Chief Minister as required by the provisions of these rules;

(c) keep the Chief Minister informed of any important case disposed of by him without reference to the Chief Minister; and

(d) conduct the business relating to his Department in the Assembly."

9. Rule 21 of the Rules of Business, ibid, which deals with the appointment, posting, promotion and transfer of a Government servant reads as follows:

"21. Appointments, Postings, Promotions and Transfers

(1) Approval of the Chief Minister will be obtained before issue of orders in cases relating to appointments, promotions, postings and transfers to posts mentioned in Schedule-IV.

(2) Transfers of civil servants shown in column 1 of Schedule-V shall be made by the Authority shown against each in column 2 thereof.

(3) The Services and General Administration Department shall be consulted if it is proposed to -

(a) transfer the holder of a tenure post before the completion of tenure or extend the period of his tenure; and
(b) require an officer to hold charge of more than one post for a period exceeding four months.

(4) Tenure."

10. The normal tenure of posts specified in column I of the Schedule VI shall be as shown against such posts in column 2 thereof.

11. Schedule V of the Rules of Business, ibid which is relevant in the present case reads as follows:

SCHEDULE-V
[See Rule 21(2)]

Authorities competent to make transfers to and from the Secretariat

(i)	Officers of All Pakistan Service	Services and General Administration Department in consultation with the Department concerned
(ii)	Heads of Attached Department and equivalent posts	Ditto
(iii)	Head of Regional Offices	Ditto
(iv)	Officers shown in the Schedule IV, other than those specified above, in the Secretariat	
(v)	Secretaries	Services and General Administration Department
(vi)	Section Officer/Under Secretaries and other officers of equivalent rank: a) within the same Department b) to and from an Attached Department c) within the Secretariat from one Department to another	 Secretary Services and General Administration Department Ditto
(vii)	Officials below the rank of Section Officers:	
	a) within the same Department b) to and from an Attached Department/Regional Office c) Within the Secretariat from one Department to another	Secretary Services and General Administration Department Ditto

12. A reading of Rule 21(2) with Schedule V of the Rules of Business ibid, makes it clear that the transfer of a Section officer/Under Secretary and other

officers of equivalent rank within the department is to be done by the Secretary of that Department. Rule 21 of Rules of Business, which deals with power of posting, promotion and transfer of Government servants, does not contemplate exercise of these powers by the Minister. The normal period of posting of a Government servant at a station, according to the above referred policy decision of the Government, is 3 years, which has to be followed in the ordinary circumstances, unless for reasons, of exigencies of services mentioned in the aforesaid policy of Government, a transfer before expiry of 3 years period becomes necessary in the opinion of competent authority. The transfer order in the present case, therefore, could be justified on the plea of policy directive of Government referred to above, nor were they sustainable on the language of Rule 21(2) read with Schedule-V of the rules of Business, ibid. We are in no doubt that if the transfer orders in the case before us would have been made in accordance with the policy directives of the Government referred to above and power was exercised by the competent authority as contemplated in Rule 21(2) read with Schedule V of the Rules of Business, ibid, there would have been no room for maneuvering by the officers affected by such transfer. The fact that the transfers were made in violation of policy directive of the Government which has the status of a Rule, and provisions of Rule 21(2) ibid, were not followed strictly, opened the door for the Government servant concerned to bring in outside influences to obtain the desired transfers. We are also sorry to note that the Secretary LG&RD, neither resisted these unethical and desirable mover of his subordinates nor he pointed out to the Hon'able Minister lncharge that the transfer orders made by him from time to time in respect of various officers of his department were neither in conformity with the declared policy of Government nor these transfer orders conform to the provisions of Rule 21(2) of the Rules of Business, ibid. It was the duty of the Secretary LG&RD to have pointed out to the minister concerned the extent of his authority in such matter, besides brining to his notice that such frequent transfers of a Government servant could neither be justified as the exigencies of service nor could it be described in the public interest. We are constrained to observe that such unconcerned attitude on the part of head or a Government department is not expected to promote discipline or efficiency in the department On the contrary, such attitude may have a demoralization effect on his subordinates encouraging them to seek intervention, favour of outside agencies, which may ultimately adversely affect the overall discipline and efficiency in the department. We, therefore, expect that the guidelines mentioned in the policy directive referred to above and the provisions of Rule 21 of the Rules of Business, ibid, will be kept in view by all concerned while dealing with the transfers of Government servants. The office is directed to send a copy of this judgment to the Government of Punjab for circulating it to all its departments, for future guidance. With these observations, this petition stands dismissed as not maintainable.

No. SOR.II(S&GAD)2-59/78
Dated the 19th April 2003

Subject: **PROFORMA PROMOTION POLICY**

The existing proforma promotion policy has been reviewed in order to resolve the various difficulties and confusions in the application of the policy and to make it more clear and easy to apply.

2. The following policy guidelines regarding grant of proforma promotion to civil servants as well as proforma promotion and "notional" promotion to retired "civil servants" are hereby issued:

I) PROFORMA PROMOTION (DEFINITION)

Proforma promotion means predating of promotion of a civil servant with effect from the date of promotion of his junior for the purpose of payment of arrears and fixation of pay. It means that a civil servant who was entitled to be promoted from a particular date, but for no fault of his own, was wrongfully prevented from rendering service in the higher post, is entitled for proforma promotion and payment of arrears of pay/allowances and re-fixation of pay.

II) SENIORITY AND PROFORMA PROMOTION

It is clarified that proforma promotion is not a necessary pre-requisite for the determination of seniority of a civil servant. Inter-se-seniority of a civil servant is determined under Section 7(4) of the Punjab Civil Servants Act, 1974 read with Rule 8 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974. It has already been clarified vide circular letter No. SORII(S&GAD)2-25/93, dated 15.01.1995 that seniority of a civil servant being a vested right cannot be relegated to a lower position unless he is superseded and his junior is promoted in preference to him. This means that a civil servant, who is deferred for promotion and is subsequently promoted would re-gain his seniority automatically. Therefore, proforma promotion is not a necessary pre-requisite for restoration of original seniority. The appointing authorities should, therefore restore seniority in such cases through a speaking order. However, proforma promotion in such cases is to be granted for the purpose of financial benefits.

III) CASES WHERE PROFORMA PROMOTION CAN/ CANNOT BE GRANTED

The salient features of the proforma promotion policy issued vide letter No. SORII(S&GAD)2-52/73, dated 16.10.1973 and subsequent policy letters, which will continue to be applicable, are recapitulated as under:-

a) **Proforma promotion** shall generally be granted in cases where an official whose junior has been promoted on regular basis but he was deferred due to any of the following reasons:

   i) The seniority of two officials is in dispute. The senior official is promoted on due date but subsequently the junior official establishes his claim of seniority by obtaining a favourable decision from Government or the Punjab Services Tribunal or any other court of law.

   ii) The official is under suspension or is facing a departmental inquiry and, therefore, his promotion is deferred. If eventually he is exonerated of the

charges, he becomes entitled for proforma promotion from the date on which he would otherwise have been promoted.

iii) An official is considered unfit for promotion because of adverse remarks in the Character Roll. Subsequently, he succeeds in getting the remarks expunged.

iv) In cases where an official might be ignored for promotion due to a clerical error or incomplete service record or plain negligence.

♦v) In cases where on the recommendation of a PSB/DPC, a senior is conditionally cleared for promotion and is able to assume charge of a higher post only after he fulfils the condition and, in the meantime, the junior (cleared for regular promotion) in the same meeting assumes charge of the higher post; the senior in consequence of the fulfillment of the condition, shall be entitled for proforma promotion from the date the junior is promoted.

b) The senior will have no case of Proforma Promotion if the junior was promoted on officiating, acting charge, current charge basis or other stop-gap arrangement.

IV) PROFORMA PROMOTION TO BE CONSIDERED AT THE TIME OF REGULAR PROMOTION

Previously, under the policy regarding proforma promotion, an officer/official was first promoted with immediate effect and thereafter, on his representation, his case for grant of proforma promotion was considered separately. This practice was cumbersome and resulted in delays and unnecessary hardship to the concerned civil servant. It has now been decided that:

a) The case of proforma promotion shall be considered by the relevant committee/board/authority at the time of regular promotion of the concerned civil servant (if he was wrongfully prevented from promotion earlier due to any of the reasons given in para III (a), in order to reduce the workload at all levels and also to minimize the suffering caused to the civil servant, whose promotion has already been delayed due to no fault of his own.

b) The Administrative Department shall, therefore, process the working papers for such promotions accordingly. This will obviate the necessity of individuals for filing separate representation for proforma promotion after their regular promotion.

c) In such cases of promotion/proforma promotion, the officer/official will be adjusted against the higher post in the first instance, and then his case for drawl of arrears of pay shall be decided/resolved by the relevant authority.

♦ Sub-clause (v) added vide Notification No.SOR-II(S&GAD)2-59/78 dated 20.05.2006.

d) In old cases, the existing procedure shall continue i.e., where an officer has already been promoted with immediate effect, he should file a representation for grant of proforma promotion and his case for proforma promotion will be considered by the relevant committee/board.

e) In cases where a person, who was eligible for proforma promotion under the conditions mentioned in III(a) read with IV(a), but could not be granted proforma promotion and was only considered for promotion with immediate effect, in such cases also, his claim for proforma promotion may be considered later as per previous practice. However, the departments should ensure that generally the proforma promotion must be granted in such cases at the time of regular promotion to the civil servant, if he was wrongfully prevented from promotion earlier.

V) PROFORMA PROMOTION TO RETIRED OFFICERS/ OFFICIALS

This means a case where a senior officer/official was deferred for promotion due to no fault of his own and his junior was promoted and subsequently the senior was also promoted, during his service, but could not get Proforma Promotion during service and retired.

It is clarified that under Rule 9(2) of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, promotion/ proforma promotion cannot be claimed as of right by any civil servant. Similarly, under the provisions of the Punjab Civil Servants Act/Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, only a civil servant can be appointed on promotion. Since a retired 'civil servant' is no longer in service, therefore, he ceases to be a civil servant. Since promotion can be granted only to a civil servant, a retired officer/official cannot avail the benefit of promotion/proforma promotion.

However, keeping in view the hardship caused to the retired 'civil servant', it has been decided that in case where a civil servant was wrongfully prevented from promotion (Para III(a) refers) and was subsequently promoted during his service, but could not get proforma promotion during his service and retired, such officer may be considered for proforma promotion, provided he files a representation to this effect during his service. The representation filed after retirement shall not be considered.

VI) NOTIONAL PROMOTION TO RETIRED CIVIL SERVANT

This means a case where a senior officer/official was deferred for promotion due to some reason and his junior was promoted and subsequently after removal of the reason of deferment, the senior becomes eligible but could not be promoted to a higher post, during his service and retired.

As explained above at serial No.V, a retired 'civil servant' cannot be considered for promotion because he ceases to be a civil servant on his retirement. Therefore, a retired person cannot avail the benefit available exclusively to a civil servant. Since promotion can only be granted to a civil servant, a retired officer/official cannot be considered for promotion on notional basis.

3. This issues with the approval of the Chief Minister, Punjab. The Administrative Departments are requested to circulate this Policy to all concerned for compliance.

SOR-II (S&GAD) 2-59/78
Dated the 4th April 2005

Subject: SCRUTINY/APPROVAL BY REGULATIONS WING S&GAD/CHIEF SECRETARY

I am directed to refer to this Department's notification No. SOR-II(S&GAD)2-59/78 dated 19.04.2003 on the subject noted above and to inform that the question has been raised whether the approval of the Chief Secretary/Secretary Regulations in the proforma promotion cases up to BS-18 is necessary as per earlier circular letter No. SOR.II (S&GAD)2-59/78 dated 01.10.1998 or there is no need for such approval in the light of latest Proforma Promotion Policy circular letter No. SOR.II (S&GAD)2-59/78 dated 19.04.2003.

2. It is clarified as under:

(i) The old cases in which the claim of proforma promotion arose before the issuance of latest Proforma Promotion Policy shall continue to be referred to the Regulations Wing/Chief Secretary for approval as per provision of earlier circular letter dated 01.10.1998 after the recommendations of the DPC as per previous practice.

(ii) The cases of proforma promotion where the claim of proforma promotion cropped up after 19.04.2003, the scrutiny/approval by the Regulations Wing as well as Chief Secretary is not required. However, the Administrative Department may seek advice of Regulations Wing in case of any ambiguity.

NO.SOR-II(S&GAD)3-18/97 (P)
Dated the 22nd December 2009

Subject: DEPARTMENTAL PROMOTION COMMITTEE'S MEETING

I am directed to refer to the subject noted above and to inform that instances have come to the notice of the Government that promotions of civil servants are not timely made, resultantly they retire from service without getting promotion to higher posts.

2. The existing Proforma Promotion Policy, issued vide No. SOR-II(S&GAD) 2-59/78, dated 19.04.2003 provides that under the provisions of the Punjab Civil Servants Act and Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 only a civil servant can be appointed on promotion, to a higher post. Since a retired civil servant is no longer in service, therefore, he ceases to be a civil servant. Promotion can be granted only to a civil servant while a retired officer/official cannot avail the benefit of promotion.

3. Section 8 of the Punjab Civil Servants Act, 1974 provides as under:

> "(1) A civil servant shall be eligible to be considered for appointment by promotion to a post reserved for promotion in the service or cadre to which he belongs in a manner as may be prescribed; provided that he possesses the prescribed qualifications.
>
> (2) Promotion including proforma promotion shall not be claimed by any civil servant as of right.
>
> (3) Promotion shall be granted with immediate effect and be actualized from the date of assumption of charge of the higher post, and shall in no case be granted from the date of availability of post reserved for promotion.
>
> (4) A civil servant shall not be entitled to promotion from an earlier date except in the case of proforma promotion.
>
> (5) A retired civil servant shall not be eligible for grant of promotion; provided that he may be considered for grant of proforma promotion as may be prescribed.
>
> (6) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as follows:
>
> (a) in the case of a selection post, on the basis of selection on merit; and
>
> (b) in the case of a non-selection post, on the basis of seniority-cum-fitness."

4. In view of the above provisions of law/policy in fact the Administrative Departments are required to hold meetings of Departmental Promotion Committees well in time to consider the cases of promotion/proforma promotion against existing/imminent vacancies.

5. In view of the above, it is requested that cases for promotion/proforma promotion of civil servants be processed properly through the respective Departmental Promotion Committees.

NO.SOR-II(S&GAD)4-26/96(Pt-III)
Dated the 17th November 2008

Subject: GRANT OF PROMOTION TO THE RETIRED/DIED CIVIL SERVANTS

Kindly refer to the subject noted above.

2. The question regarding promotion to retired civil servants has been examined and it was observed that under the provisions of Punjab Civil Servants Act, 1974/Punjab Civil Servants (Appointment & Conditions of Service) Rules,

1974 only a civil servant can be appointed on promotion. A retired person ceases to be a civil servant. Since promotion can be granted only to a civil servant, a retired officer/official cannot avail the benefit of promotion. Under the existing provisions of Sub Section (5) of Section 8 of the Punjab Civil Servants Act, 1974, promotion cannot be granted to the retired/died civil servants. It has also been clarified in the Proforma Promotion Policy, 2003 that the promotion cannot be granted after retirement.

3. In view of the above, it is requested that while considering the cases of promotion, the existing provisions of Section 8 of the Punjab Civil Servants Act, 1974 and Proforma Promotion Policy, 2003 may be adhered to in letter and spirit. However, in case where any specific directions are given by the courts, the Regulations Wing, S&GAD should be consulted before deciding the matter.

NO.SOR-II(S&GAD)2-65/2005
Dated the 7th June 2005

Subject: PROMOTION/PROFORMA PROMOTION TO HIGHER POSTS – DATE OF EFFECT OF PROMOTION – AMENDMENT IN PUNJAB CIVIL SERVANTS ACT, 1974

I am directed to refer to the subject noted above and to state that according to the prevailing policy of the Government of the Punjab, promotion is granted to serving civil servants with immediate effect and not from the date of occurrence of vacancy. Promotion is not granted to retired civil servant as the does not remain a civil servant after retirement, though proforma promotion may be granted to retired civil servant from the date of promotion of his junior, provided that the retired civil servant was promoted to the rank during his service.

2. To further strengthen the provisions of the policy regarding the date of effect of promotion, the Government of Punjab has now made the following amendments in Punjab Civil Servants Act, 1974, through notification No. PAP-Legis-2(18)/2005/721 dated 15.04.2005. The salient features of the amendment are as under:

i. In section 2 of the Act, definitions of promotion and proforma promotion have been added as under:

(g-a) "proforma promotion" means predating of promotion of civil servant or retired civil servant with effect from the date of regular promotion of his junior, for the purpose of fixation of pay and payment of arrears as may be prescribed;

(g-b) "promotion" means appointment of a civil servant to a higher post in the service or cadre to which he belongs;

ii. Existing section 8 has been substituted as under:

8. Promotion – (1) A civil servant shall be eligible to be considered for appointment by promotion to a post reserved for promotion in the service or cadre to which he

belongs in a manner as may be prescribed; provided that he possesses the prescribed qualifications.

(2) Promotion including proforma promotion shall not be claimed by any civil servant as of right.

(3) Promotion shall be granted with immediate effect and be actualized from the date of assumption of charge of the higher post, and shall in no case be granted from the date of availability of post reserved for promotion.

(4) A civil servant shall not be entitled to promotion from an earlier date except in the case of proforma promotion.

(5) A retired civil servant shall not be eligible for grant of promotion; provided that he may be considered for grant of proforma promotion as may be prescribed.

(6) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as follows:

(a) in the case of a selection post, on the basis of selection on merit; and

(b) in the case of a non-selection post, on the basis of seniority-cum-fitness.

3. It is requested that while processing and deciding the cases of promotion and proforma promotion of civil servants and retired civil servants, guidance should be sought from the provisions of the above amendment in the Punjab Civil Servants Act, 1974, as well as the Punjab Government's Proforma Promotion Policy issued vide circular No. SOR-II(S&GAD) 2-59/78, dated 19.04.2003.

No. FD.SR.II/6-13/97
Dated the 13th August 1998

Subject: **DEPUTATION POLICY**

I am directed to refer to the subject noted above and to say that in supersession of all previous policy instructions on the subject, the following standard terms and conditions shall be made applicable in case of officers/officials working on deputation against the post under Autonomous Bodies of the Punjab irrespective of the fact whether the deputationist is a Federal or a Provincial Government's employee:

1. **PAY AND ALLOWANCES**
   Pay and allowances as admissible in his parent department from time to time under the Government rules.

2. ** **Deputation Allowance** @ 20% of the of the Basic Pay of deputationist subject to maximum of Rs. 6,000/- per month irrespective of the pay scale of the post against which he is working on deputation.

3. **RESIDENTIAL ACCOMMODATION**
   He is entitled to House Rent Allowance as admissible under the Punjab Government Rules provided he is not already residing in a Government owned accommodation. If accommodation is provided it will be subject to normal deduction of 5% of his pay:

   Provided, if a Government servant, while on deputation with an Autonomous Body, continues to retain Government owned accommodation, the Autonomous Body concerned shall be liable to pay House Rent to the Government on behalf of the deputationist @ 45% or 30% (whichever is applicable) of the minimum of the pay scale of the deputationist in his parent Department.

4. **TRAVELLING/DAILY ALLOWANCE**
   (i) T.A./D.A. during incumbency of deputation
   As admissible in accordance with the T.A. Rules of the Borrowing Organization, provided these are not inferior to Government rules.
   (ii) T.A./D.A. on transfer to and back to the parent department shall be paid by the Borrowing Organization.

5. **JOINING TIME**
   He will be entitled to joining time on his transfer from the Borrowing Organization and salary for the joining time will be paid by such Organization.

**Sub para 2 substituted vide Notification No. FD.SR.II/6-13/97 dated 09.01.2006. This substitution is effective from 01.07.2005.

6. **ENCASHMENT OF L.P.R.**

A civil servant on deputation who is due to retire from Government service either on completion of 26 years qualifying service or attaining the age of superannuation may draw the encashment of L.P.R. from the Borrowing Organization, if he continues to work during the entire period of his L.P.R./last year of his service, without repatriation of his services.

7. **LEAVE/LEAVE SALARY**

The leave account of the Government servant during the period of deputation shall remain closed. No leave salary contribution shall be recovered from the Borrowing Organization and the deputationist will be granted leave and paid leave salary by such Organization. The period of service with the Borrowing Organization shall not count towards earning leave under the Government. However, in case a deputationist applied for leave to the Competent Authority in the Borrowing Organization and the leave was refused, the borrowing authority is bound to pay him the encashment of leave/remaining portion of leave earned by the deputationist during the period of his deputation.

8. **DISABILITY LEAVE**

The Borrowing Organization shall also be liable for leave salary in respect of disability leave granted to the civil servant on account of disability occurred in and through deputation service even though if such disability manifest itself after the termination of service. The leave salary charges, for such leave shall be recovered by the civil servants direct from the Borrowing Organization.

9. **PENSION CONTRIBUTION**

The Borrowing Organization shall be required to pay pension contribution at the rate of 33-1/3% of the mean of minimum and maximum of the pay scales of the officer plus other emoluments reckonable for pension (subject to verification of audit) to the Government during the deputation period.

10. **MEDICAL FACILITIES**

He will be provided medical facilities in accordance with the rules of the Borrowing Organization, provided such facilities are not inferior to those admissible to him under the Government/parent department.

11. **SUBSCRIPTION TO FUNDS**

He will continue to subscribe to G.P. Fund and such other funds as he was subscribing to before deputation at the rates under the relevant rules of the Government.

12. [*] **RESIDENTIAL TELEPHONE**

As per policy of the Borrowing Organization.

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[*] Substituted vide letter No. SR.II-6-13/97 dated 10th April 2002.

13. **CONVEYANCE/TRANSPORT**

The deputationist will be provided conveyance/transport as admissible to Government officers of his status/grade under the rules.

14. **CONDUCT AND DISCIPLINE**

He will be governed by the provisions of relevant E&D/Conduct Rules, applicable to the service/cadre to which he belongs.

15. **CHANGE IN TERMS OF DEPUTATION**

The civil servant on deputation will continue to be under the rule-making control of the lending Government, in matters of pay, leave pension, G.P. Fund, etc. The lending Government accordingly will have a right to determine, in consultation with borrowing organization, the terms which shall not be varied by the borrowing organization, without consulting the lending Government.

16. ***__**FRINGE BENEFITS**__

The deputationist shall be entitled to any fringe benefits attached to the post other than those specifically mentioned above.

17. **PERIOD OF DEPUTATION**

The period of deputation shall not exceed three years. However, Government reserves the right to withdraw/transfer the deputationist at any time without assigning any reason. In case the deputationist retires while on deputation, the period of deputation shall stand expired on the date of his retirement.

2. The above terms and conditions will be made applicable by all the Administrative Departments to its employees and there is no need to refer their cases to the Finance Department for approval. However, if an advice of the Finance Department on the specific issue is required, Administrative Departments can refer the case with their self-contained comments on the issue.

No. FD.SR.II/6-13/97
Dated the 15th October 2002

Subject: DEPUTATION POLICY

I am directed to refer to this department's letter of even number dated 13.08.1998 on the subject noted above and to say that it has been noticed that deputaionists do not report back to their parent departments after completion of deputation period and thereafter start submitting requests for extension in deputation.

2. In order to discourage the tendency of overstay and to strictly enforce the deputation policy, the Governor of the Punjab has been pleased to direct that while approving the terms and conditions of deputation a clause may be inserted in the

*** Amended vide Notification No. FD-SR.II-6-13/97 dated 10.04.2002.

Deputation Orders that the deputationist shall automatically be treated as repatriated after completion of normal/extended period of deputation and any delay on the part of the deputationist in reporting back to his parent department shall be considered as an absence from duty.

No. FD.SR-II/6-3/82
Dated the 3rd April 1998

Subject: ENCASHMENT OF UN-AVAILED PORTION OF LEAVE EARNED BY THE DEPUTATIONIST DURING HIS DEPUTATION PERIOD

I am directed to refer to this department's instructions bearing No. FD.SR-11-6-57/73-2785, dated 09.02.1974, No. FD.SR-II-6-3/82 dated 07.09.1982 and No. FD.SR-II-6-13/97 dated 11.08.1997 and to say that as per provisions of Deputation Policy, if an official is deputed to work on deputation with Borrowing Organization/Department, his leave account in the parent department remains closed, no leave salary contribution is to be recovered from the Foreign Employer/ Borrowing Organization and the leave earned by the deputationist during the period of his deputation is not to be credited to his leave account in the parent department, after the expiry of his deputation period.

2. Instances have come to notice that the deputationists during the period of their deputation do not avail leave, or the leave is not granted in spite of the fact that they applied for leave and subsequently they requested for the encashment of their leave/un-availed portion of leave earned by them during their deputation period.

3. It has now been decided that if the deputationist applies for grant of leave and the leave so applied is refused by the Competent Authority in the Borrowing Organization/Department then the Borrowing Organization/Department is bound to pay him the encashment of the leave/un-availed portion of leave, earned by him during his deputation period. For this purpose no sanction of the Finance Department is required and he/she will be granted encashment of leave with the approval of the Competent Authority/Leave Sanctioning Authority in the Borrowing Organization/ Department. All the relevant instructions on the subject will be deemed to have been amended accordingly.

4. The above instructions may be brought to the notice of all concerned for strict compliance.

No. FD.SR.II/6-13/97
Dated the 25th July 2001

Subject: EXTENSION IN DEPUTATION PERIOD BEYOND THREE YEARS IN RELAXATION OF DEPUTATION POLICY

I am directed to refer to the subject noted above and to say that according to Condition No. 17 of the Deputation Policy bearing No. FD.SR-II-6-13/97, dated 13.08.1998, deputation is permissible to a civil servant for a maximum period of three years with the approval of the Head of the Department and under the special circumstances, further extension in deputation can be allowed in favour of deputationists with the approval of the Governor/Chief Minister.

2. Now, the Governor has been pleased to authorize the Finance Department to grant extension in deputation for a further period up to one year, beyond three years, in relaxation of Deputation Policy dated 13.8.1998, provided that such extension is fully justified and relates to exceptional circumstances.

3. Any extension in deputation beyond three years not covered under para 2 or beyond a period of four years will be continued to be submitted to the Governor for approval in the shape of summary, in relaxation of Deputation Policy.

No. FD.SR-II/6-13/97
Finance Department
Dated the 25th October, 2008

Subject: PAYMENT OF PENSION CONTRIBUTION OF DEPUTATION PERIOD

I am directed to refer to the subject noted above and to state that the Honorable Governor during the process of examination of a complaint has been pleased to observe that non-payment of pension share of deputationist is a common complaint faced by a large number of Government servants/deputationists due to non-institutionalized system of operations and negligence of borrowing agency. This invariably results in impediments for Government servants as well as the concerned agencies and many anomalies occur which have to be resolved.

2. In view of this, the Governor has been pleased to direct to issue instructions to all departments that the orders of deputation of an officer should invariably include amongst others the provisions that upon reverting to his/her original cadre post, a certificate must be given by the 'borrowing agency' with a copy to DAO/AG, as a mandatory requirement upon transfer, certifying his/her pension share contribution during the period of deputation.

3. It is, therefore, requested to ensure the compliance of the above mentioned directions in letter and spirit to avoid any inconvenience to deputationists in this regard.

No. SOE-I-59/09
Dated the 28th February, 2011

Subject: INSTRUCTIONS TO REGULATE DEPUTATION FROM ONE AUTONOMOUS BODY TO ANOTHER AUTONOMOUS BODY

Kindly refer to the subject cited above.

I am directed to state that according to Rule 14 (1) (a)&(b) of the Rules of Business, 1974, the Services and General Administration Department is responsible for determination of the principles of control of Government servants including recruitment, conditions of service and discipline.

2. In view of the rule ibid, it is expedient to explicitly provide for the coordinating role of the Services and General Administration Department in cases where deputation is to be made from one autonomous body to another autonomous

body. This coordination of the policy of all departments with respect to the services under their control will secure consistency of treatment and uniformity of the policy.

3. I am, therefore, directed to state that in future all the cases of deputation from one autonomous body to another autonomous body in the Punjab Government may kindly be processed through the channel of Services and General Administration Department.

No. SORIII(S&GAD)5-5/70
Dated the 9th November 1974

Subject: POLICY REGARDING EMPLOYMENT OF GOVERNMENT SERVANTS IN FOREIGN COUNTRIES

I am directed to say that instructions were issued from time to time through circular letters noted in the *margin with regard to employment of Government servants in foreign countries. The matter has since been reconsidered and it has been decided in supersession of the said circulars that job opportunities available to Pakistan nationals in Government or private service abroad should be welcomed and applications of Government employees technical or non-technical for service in foreign countries should be freely forwarded to the prospective employers by the Administrative Departments concerned direct (even if it may cause some inconvenience to the Departments), provided specific vacancies exist in foreign countries, irrespective of whether or not they are advertised in Pakistan or notified to the Government of Pakistan. A copy of the application of the Government servant concerned together with his bio-data should be endorsed to the Bureau of Immigration, Block No. 19, Frere Road, Karachi, for information and record. The Bureau should also be informed in the event of selection of the candidate by the foreign employer. Similar advice should also be sent by the Administrative Departments to the Director of Immigration and Passports and the State Bank of Pakistan for the issuance of Passports and passage permission on “P” Form respectively on the authority of the release order of the Government servant by the Head of the Department. The normal channel of submission of such applications should not, however, be ignored and it should be impressed upon all Government servants under your administrative control that they should not approach foreign employers direct. The proper way for seeking foreign employment is to route the applications through proper channel or if formal application is not needed, at least to obtain permission of the competent authority.

2. On their selection by the foreign employers they should be immediately relieved to enable them to join their new assignments in time on the following terms and conditions, as decided in consultation with the Finance Department.

(i) Before a Government servant is allowed to proceed abroad he should be made to execute a surety bond that he will come back to the country on expiry of the period of deputation and will not acquire the domicile or nationality of the foreign country, nor will he send in his resignation.

**(ii) The period of deputation will be rigidly fixed at a maximum of 5 years and no extension will be allowed under any circumstances. However, if the deputation is initially sanctioned for a lesser period extension may be granted up to a total period of 5 years.

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*No.1. SOR II (S&GAD)5-5/70 dated 19.08.1970.
No.2. SOR I (S&GAD)5-5/70 dated 11.10.1970.
No.3. SORIII (S&GAD)5-5/70 dated 21.12.1971.
No.4.SOR II (S&GAD)5-5/70 dated 01.07.1972.
No.5. SOR II (S&GAD)5-5/70 dated 31.10.1973.
**May be read with letter No.SOR.IV(S&GAD)15-7/84, dated 14th July 1988.

(iii) The period of Foreign Service will commence from the date of release from the department and will terminate on the date of resumption of duty by the Government servant.

(iv) The Government servant concerned shall, during the period of his foreign service, pay to the Government through the Pakistan Mission in the borrowing country, in foreign currency, in which he receives his salary from the foreign employer, pension contribution in accordance with the relevant rules and at the rates prescribed from time to time by Government. Till such time as the rates of pension contribution are ascertained and intimated by the Audit office concerned he shall provisionally pay pension contribution in foreign currency on the basis of the length of his service at the rates given in Annexure "B" to rule 10.8 of the C.S.R. (Pb.)Vol.1, Part I. In cases of deputation to foreign service outside Pakistan in which a part of the foreign service pay is draw-able in Pakistan rupees, a percentage of the monthly amount of the pension contribution as well as of the Provident Fund subscription, may be paid in Pakistan rupees, such percentage being equal to the percentage of the foreign service pay which is draw-able in Pakistani rupees, failure to pay the pension contribution in time would result in the period of foreign service not being counted towards pension.

(v) During the period of Foreign Service the Government servant concerned will continue to subscribe to the G.P. Fund and Benevolent Fund, Group Insurance or any other Government Fund of the same nature according to the rules and orders regulating subscription to that Fund. The amount of subscription will be payable in foreign exchange subject to the provisions of item (iv) above in respect of G.P. Fund and the Government servant shall remit the necessary amount in foreign exchange every month to a Scheduled Bank in Pakistan which shall pay to the Accounts Officer the rupee equivalent thereof at the official rate of exchange on the basis of the pay which would have been admissible to him in Government service but for his transfer to foreign service.

(vi) During the period of Foreign Service, he shall not be entitled to any medical facility in respect of self and family members at the expense of the Government, but will be entitled to receive it as allowed by the foreign employer.

*(vii) The lien of confirmed Government servant will be kept on his post in the parent department. He will be given substantive or officiating promotion as the authority competent to order promotion may decide in accordance with rule 10.5 of C.S.R. (Pb.) Vol. I, Part-I.

(viii) Passage from the station of posting to the foreign country and back will be met by the Government servant.

(ix) No part of leave earned during foreign service will be credited to his leave account nor will any liability in respect of such leave devolve on the Provincial Government and, as such, no contribution for leave salary will be required from the official

*May be read with letter No. SOR.IV (S&GAD)15-7/84, dated 14th July 1988.

while in foreign service. He will not be entitled to receive any leave salary from the Government in respect of disability arising in and through foreign service, he shall also not be entitled to receive any leave salary from the Government in respect of disability leave on accounts of any disability arising in or through foreign service even though this disability might manifest itself after the termination of foreign service.

(x) If during the period of his deputation, the Government servant concerned becomes entitled to any additional benefit, or is appointed to any post involving alteration in his emoluments, he will intimate the particulars of such appointment to the Government. Any modifications of the terms involving additional liabilities on the Government will require their prior approval.

Note (I) These instructions will apply also to temporary Government servants and Administrative Departments may in their discretion, give an assurance to a temporary Government official that he will be taken back on his original post if it has not been abolished in the meantime and his junior is still in service on his return from deputation abroad. The temporary Government servant concerned may also be considered for promotion in absentia while on deputation abroad.

Note (II) Notwithstanding the policy explained above, no Government servant shall apply directly, or send any advance copy of his application for any post in any International Organization of which Pakistan is a Member, nor shall he make any attempt to secure a requisition for his services by name for any post under the above Organization.

3. Individual cases for settlement of terms and conditions of such Government servants need not be referred to the Services and General Administration Department or the Finance Department.

4. This Circular does not supersede the order which the Government may have issued in this behalf in respect of any specific category of Government servants.

No. SORIII(S&GAD)5-5/70-Vol.II(Prov)
Dated the 31st December 1977

Subject: EXTENSION OF TENURE OF OFFICERS HOLDING POSTS/ ASSIGNMENTS IN VARIOUS INTERNATIONAL AGENCIES

I am, directed to refer to this Department's Edst. No. SORII(S&GAD)5-5/70, dated the 27th February, 1975 on the subject noted above. A copy of Government of Pakistan, Cabinet Secretariat (Establishment Division's) Office Memorandum No. 1/8/74-T-IV, dated 7th December 1977 is forwarded herewith for your information.

2. No request for extension beyond 5 years in tenure of duty of officials on deputation to International Organizations or foreign Governments should henceforth be entertained.

Copy of Office Memorandum No.1/8/74.T.IV, dated 7th December, 1977 from Joint Secretary (A), Government of Pakistan, Cabinet Secretariat, Establishment Division to all Ministries/Divisions, copy also endorsed to Chief Secretary to Government of the Punjab, Lahore, regarding extension of tenure of officers holding posts/ assignments in various International Agencies.

The undersigned is directed to refer to this Division Office Memorandum of even number dated 24th September and 3rd December 1974, on the above subject, and to say that the existing Government Policy limits the tenure of officers serving in International Organizations on deputation up to a maximum period of 5 years. In spite of existing instructions some Ministries/Divisions/Provincial Governments are still sending requests for extensions on assignments abroad beyond 5 years limit. It has been decided that no extension beyond 5 years in the tenure of duty of officials on deputation to International Organizations or foreign Governments will at all be entertained. Ministries/Divisions are, therefore, advised not to send such proposals in future.

No. SORII(S&GAD)5-5/70
Dated the 16th May 1978

Subject: POLICY REGARDING EMPLOYMENT OF GOVERNMENT SERVANTS IN FOREIGN COUNTRIES

I am directed to refer to this Department's Circular Letter of even number dated 5th April, 1976 and to say that on the recommendations of the Services Selection Board the Government has taken the following fresh policy decisions on the subject which may kindly be followed in future.

(i) In order to provide opportunity of deputation abroad to experienced employees applications of only such persons should be referred to the Services Selection Board who have rendered at least five years Government Service. This is necessary to enable the outgoing Civil servants to pick up sufficient experience and knowledge in the respective field.

(ii) The Departmental Heads while forwarding applications should ensure that column 12 of the application form (Annexure `C') indicates the number of posts in the line held by the applicant and not the total number of posts in the cadre.

(iii) Administrative Departments should ensure that Government Servants do not send their applications directly to the foreign recruiting agencies. The applications may be forwarded by the appointing authorities only if time for submission is very short and copies along with the requisite pro forma should be sent to the Services, General Administration and Information Department. The Board will not consider cases in which applications were previously forwarded by the candidates directly to the prospective employer. The Heads of Departments while endorsing the application should make a clear statement to the effect whether the applicant had applied through proper channel or direct to the prospective employer.

No. SOR II(S&GAD)5-5/70
Dated the 13th September 1978

Subject: POLICY REGARDING EMPLOYMENT OF GOVERNMENT SERVANTS IN FOREIGN COUNTRIES

Please refer to the instructions issued, vide this Department's circular letter No. SORII(S&GAD)5-5/70, dated 05.04.1976 on the subject noted above.

2. The existing procedure for processing of applications of Government servants seeking employment abroad on deputation has been reviewed by the Services Selection Board in its meeting held on 09.08.78 and on the recommendations of the Board the Government has taken the following decisions:

a) The channel for submission of applications for employment abroad should be left to the convenience and requirements of Department.
b) The present dual processing of applications for employment abroad by the Services Selection Board and then by the Services Wing of the Services & General Administration Department is unnecessary. Processing of applications for employment abroad should be centralized in the Services Selection Board and only one clearance certificate may be issued by the Board in each case. The applications should, henceforth be referred by the Departments to the Services Selection Board after obtaining the D.I.B. clearance and completion of formalities required for clearance certificate previously issued by the Services Wing.
c) It is requested that in future action may kindly be taken in accordance with the above decisions.

No. SORII(S&GAD)5-5/70
Dated the 7th October 1978

Subject: POLICY REGARDING EMPLOYMENT OF GOVERNMENT SERVANTS IN FOREIGN COUNTRIES

Please refer to this Department's Circular letter No.SORII(S&GAD)5-5/70, dated 5th April, 1976 on the subject noted above.

2. Vide para 3(i) of the Circular letter referred to above the Services Selection Board was constituted as under:

(a)	Additional Chief Secretary, S&GAD	Chairman
(b)	Secretary, LG&RD.	Member
(c)	Secretary Education.	Member
(d)	Secretary Health.	Member
(e)	Addl. Secretary (Central) S&GAD (now Secretary (Services) S&GAD).	Member
(f)	Deputy Secretary (O&M) S&GAD.	Secretary

3. However, some difficulty has been experienced by the Board in scrutinizing applications of Government servants for employment abroad where Departmental

Heads are not represented on it. It has, therefore, been decided that henceforth the Administrative Secretaries concerned will represent their departments on the Board as co-opted members as and when applications of their employees are considered by the Board.

Copy of O.M.No. 1/23/78 T.IV. dated 1st October, 1980 from Deputy Secretary Cabinet Secretariat, Establishment Division, Government of Pakistan, Islamabad to all Ministries/Divisions and Provincial Government endorsed to all Departments of Provincial Government vide No. SORII (S&GAD)5-5-70, dated 21.06.1981.

Subject: PROCEDURE REGARDING EMPLOYMENT ABROAD OF GOVERNMENT SERVANT IN PRIVATE FIRMS/ORGANIZATIONS

The undersigned is directed to refer to this Division O.M.1/23/66. T.IV. dated 24th June, 1978 on the subject noted above and to convey the following decision taken in the Special Selection Board meeting held on 17th September, 1980 for information and compliance.

2. The Government servants on their own shall not be allowed to seek employment with private bodies outside Pakistan either own or through the Bureau of Emigration and Overseas Employment or Overseas Employment Corporation. They should apply only against posts under the Foreign Government advertised in the country through the Bureau of Emigration and Overseas Employment or Overseas Employment Corporation. Their cases, will be considered by the Special Selection Board and the maximum period for which they may remain abroad shall not exceed 5 years. If this condition is not complied with the Government servant concerned shall have to resign from Government service.

3. It is requested that strict compliance of the foregoing instructions may please be ensured. Any instructions issued by the Ministry/Division or the Provincial Government which are not in conformity with the above decisions should please be treated as cancelled. Proposals which do not confirm the revised procedure stated above will be returned to the sponsoring Ministries/ Divisions un-approved.

No.SORII(S&GAD)5-5/70
Dated the 9th December 1981

Subject: POLICY REGARDING EMPLOYMENT OF GOVERNMENT SERVANTS IN FOREIGN COUNTRIES

I am directed to refer to this Departments circular letter of even number dated 7th October, 1978, on the subject noted above and to state that due to conversion of the post of Secretary (Services) S&GAD into that of Additional Secretary (Services) S&GAD the Services Selection Board is reconstituted as under:

1.	Additional Chief Secretary S&GAD.	Chairman
2.	Secretary, LG & Rural Development.	Member
3.	Secretary Education.	Member
4.	Secretary Health.	Member

5. Additional Secretary/(Services) S&GAD. Member
6. Secretary of the concerned Department. Member
7. Deputy Secretary (O&M) S&GAD. Secretary

2. It has been noticed that some confusion regarding clearance of cases for employment abroad exists as to whether these have to be referred to the Services Selection Board in the S&GAD or to the Special Selection Board in P&D Department. It is clarified that Government servants going abroad as Advisers or Consultants or for higher studies are to be cleared by the P&D Board as required under the Rules of Business, 1974 whereas the cases of those who want to take up jobs in foreign countries are to be cleared by the Services Selection Board in S&GAD.

No.SORII(S&GAD)5-5-70
Dated the 27th February 1982

Subject: PROCEDURE REGARDING EMPLOYMENT ABROAD OF GOVERNMENT SERVANTS IN PRIVATE FIRMS/ORGANIZATIONS

Please refer to the instructions regulating the procedure for processing the cases of officers seeking employment abroad, issued vide this Department circular letter of even number dated 8th August, 1978 and endorsement of even number dated 21st June, 1981. A copy of D.O. letter No. 1/23/80-T-IV, dated 31st December, 1981 from Secretary to Government of Pakistan Cabinet Secretariat (Establishment Division), Rawalpindi, is *enclosed for information and immediate necessary action. Accordingly you are requested to ensure that:

(i) Government servants are not allowed to seek employment with private bodies outside Pakistan either on their own or through the Bureau to Emigration and Overseas Employment.

(ii) Applications of Government servants are entertained/ forwarded only against posts under the foreign Government's advertisement in the country through the Bureau of Emigration and Overseas Employment or Overseas Corporation.

(iii) The maximum period for which Government servants remain abroad with the approval of the Services Selection Board does not exceed five years; if this condition is not complied with, the Government servants concerned shall have to resign from Government service.

(iv) Officers who have already completed five years of normal deputation should be given a notice to return to Pakistan by 31st March, 1982 failing which disciplinary action should be initiated against them under the Efficiency and Discipline Rules. Those who do not wish to return may be given the option to resign from service.

(v) Officers who have already spent four out of five years of deputation of duly approved by the Services Selection board or will complete

*See page 106.

such deputation in 1982 should be warned now to return back on completion of the sanctioned deputation.

(vi) Proposals for extension in deputation, if any in individual cases, within the limit of 5 years, should be sent to Services Selection Board within three months of the expiry of the existing term.

Officers staying abroad without authorized deputation extension should be proceeded against under the E&D Rules.

2. Necessary action may please be taken immediately as per instructions outlined, and the particulars of the Government servants falling in the category mentioned above should be forwarded to the Services Selection Board.

D.O.No.1/23/80-T-IV
Cabinet Secretariat
(Establishment Division)
Government of the Pakistan
Date the 31st December 1981

Please refer to this Division O.M.No. 1/23/80-T-IV, dated 8th August, 1981 in which it was decided that maximum period of deputation of Government Servants to International Organizations/ Foreign Government would be for a period of 5 years. It is reiterated that extensions in this period shall not be given.

2. Experience has shown that officers ask for extensions on various pretexts. In this connection it is desirable that officers who have already spent four years are warned in good time. Therefore officers under your administrative control who will complete five years in 1982 of normal deputation should be asked to report back on completion of their deputation and those who have already completed five years should be given a notice to return to Pakistan by 31st March, 1982 failing which disciplinary action should be initiated against them under the Efficiency and Discipline Rules. Those who do not wish to return may be given the option to resign from service.

3. You are requested to ensure that the above instructions are enforced strictly and the officers under administrative control of your Ministry return to Pakistan after completing five years of their deputation abroad.

No.FD.SR.I-13-1/81
Dated the 16th March 1988

Subject: TERMS OF RECIPIENTS OF FOREIGN SCHOLARSHIP ADVERTISED BY THE DONOR AGENCIES

I am directed to refer to the subject noted above and to state that at present deputation terms are allowed by the Provincial Government to:

a) officers who are selected by the Federal Government under the Central Overseas Scholarship; and

b) officers who proceed on a training programme under any Technical Assistant Programme and have been cleared by the Provincial Special Services Board/ Departmental Committee/Chief Secretary.

2. In case, however, where the scholarships are advertised by the agencies and the applications of the candidates are duly processed and routed through the concerned departments, the deputation terms are not allowed. The issue has been examined and it has been decided that Government servants getting foreign scholarships through advertised programmes may be allowed deputation terms subject to the following conditions being fulfilled and certified by the Administrative Department:

i) that the application for selection is routed through proper channel i.e. the Administrative Department;
ii) that the facility directly relates to the discipline of his professional field;
iii) that the selectee is not being processed against under E&D Rules etc;
iv) that the selectee is not an ad hoc employee nor employed on contract;
v) that the facility does not involve 'employment' of any kind.

No.SOR.IV(S&GAD)15-7/84,
Dated the 14th July 1988

Subject: POLICY REGARDING EMPLOYMENT ABROAD OF GOVERNMENT SERVANTS ON DEPUTATION

I am directed to refer to this Department's circular letter No.SOR.II (S&GAD)5-5/70, dated 09.11.1974, subsequently modified vide this department's circular letter No.C-IIIL-1/76, dated 10.02.1976 and No.SOR.II(S&GAD)-5-5/70, dated 05.04.1976 on the subject noted above and to say that the Federal Government vide its memo. No.OM.10(3)/81- CP-1, dated 25th June, 1984 and No.1/40/83-T-IV, dated 24.03.1985 (copies enclosed) have taken some decisions regarding the maximum period for which a civil servant could be sent on foreign deputation. After careful consideration, it has now been decided that:

a) Sub para (ii) of Para 2 of letter dated 09.11.1974 referred to above shall be substituted as under:

> "The maximum period of deputation will ordinarily be five years. Government may, however, allow a civil servant to continue against his assignment abroad even after the expiry of five years on the request of the civil servant or his employer";

b) Pending cases pertaining to the period preceding 25th June, 1984 i.e. the date of Federal Government's policy letter may be rejected;

c) The cases in which the period spent abroad (beyond five years) came to an end on or after 25th June, 1984 may be considered on individual merits and placed before the Services Selection Board;

d) For the future the policy of the Federal Government as laid down in Establishment Division's letters of 25th June, 1984 and 24th March,

1985 will be followed except that the names of the officers whose stay abroad exceeds five years will not be removed from the existing seniority list.

e) Sub para (vii) of para 2 ibid shall be substituted as under:

> The lien of a confirmed Government servant will be kept on his post in the parent Department. He will be given substantive or officiating promotion as the Authority Competent to order promotion may decide in accordance with rule 10.5 of C.S.R. (Punjab) Vol.I. Part.I. However, if his stay abroad exceeds more than five years, he will be considered to have foregone his right to be considered for promotion as mentioned in the Federal Government's memo dated 25.06.1984 and 24.03.1985. His promotion, on his return to Pakistan, will be considered after he has earned as confidential report on his work for one full year. *If approved for promotion he will not regain his original seniority.

COPY OF GOVERNMENT OF PAKISTAN, CABINET SECRETARIAT,
ESTABLISHMENT DIVISION
D.O.NO.1/40/83-T.IV DATED 24TH MARCH 1985

Subject: POLICY GOVERNING CIVIL SERVANTS ON DEPUTATION ABROAD

Please refer to the Establishment Division O.M.NO.10(3) /81-CP-I, dated 25th June, 1984 regarding policy governing civil servants on deputation abroad.

2. Till recently, Government servants on deputation to international organizations and foreign Governments were required to come back after spending five years of their deputation abroad. This policy has been reviewed and in accordance with para 4 of the O.M. referred to above, Government servants can stay abroad beyond 5 years under certain conditions. The relevant provision of the policy is reproduced below:

> "Government may allow an officer to continue against his assignment abroad even after the expiry of 5 years on the request of the officer or his employer. However, in all such cases, the officer's name will be removed from the existing seniority list and placed on a separate static list with no claim to promotion or to seniority over any junior who may be promoted during this period. An officer's name would be brought back on the seniority list only after he resumes duty on return. In such cases also the officer must earn a confidential report for one full year before he is considered for promotion. If approved for promotion, he will not regain his seniority. He will be assigned seniority in the higher post only from the date he assumes its charge."

*Substituted vide circular letter No.SORIV(S&GAD) 15-7/84 dated 5th September, 1988.

3. It is, therefore, requested that cases of Government servants who wish to stay abroad beyond five years may kindly be processed accordingly.

COPY OF GOVT. OF PAKISTAN, CABINET SECRETARIAT, ESTABLISHMENT DIVISION NO. 10(3)/81-CP.I, DATED 25TH JUNE 1984

Subject: POLICY GOVERNING CIVIL SERVANTS ON DEPUTATION ABROAD

The undersigned is directed to state that a civil servant, if selected for appointment in any international agency, foreign Government or private organization abroad, is permitted to go on deputation for a period of 3 years extendable to 5 years on the request of the deputationist or his employer. After expiry of the approved period of deputation, the deputationist is required to come back and resume duty in the country.

2. While on deputation abroad, a civil servant was considered for promotion in accordance with his seniority position but actual promotion took place after he resumed duty on return to Pakistan. This enabled such civil servants to regain their seniority vis-à-vis their juniors on actual promotion. Experience has shown that despite promotion, these officers seldom return even on completion of their approved deputation period. By the time they return, many officers have lost their utility and experience relevant to service needs. Promoting such officers immediately on return may not, therefore, be in public interest.

3. It has, therefore, been decided with the approval of the President that:

i) Promotion of a civil servant on deputation to an international agency, foreign Government or private organization abroad will only be considered after he resumes duty on return to Pakistan.

ii) Such officers may be given timely intimation to return so that they can earn at least one annual confidential report before their cases come up for consideration in accordance with their seniority position.

iii) If an officer returns, his case will be considered for promotion in the normal course. If he does not return in response to such intimation, his case will be deferred till he returns to Pakistan on completion of 5 years and earns a confidential report on his work for one full year after resuming duty. If approved for promotion, he will regain his original seniority.

4. Government may allow an officer to continue against his assignment abroad even after the expiry of 5 years on the request of the officer or his employer. However, in all such cases the officer's name will be removed from the existing seniority list and placed on a separate static list with no claim to promotion or to seniority over any junior who may be promoted during this period. An officer's name would be brought back on the seniority list only after he resumes duty on return. In such cases also the officer must earn a confidential report for one full year before he is considered for promotion. If approved for promotion he will not regain his

seniority. He will be assigned seniority in the higher post only from the date he assumes its charge.

5. All Ministries/Divisions are requested to bring the above instructions to the notice of all civil servants already serving on deputation abroad and those allowed to proceed on deputation in future.

No. O&M-II/1-11/86
Dated the 11th July 1990

Subject: POLICY REGARDING EMPLOYMENT OF GOVERNMENT SERVANTS IN FOREIGN COUNTRIES

I am directed to refer to this department letter No. SOR.I (S&GAD) 5-5/70, dated 9th November 1974 and 5th April 1976 on the above subject and to say that in order to simplify the procedure for employment of Government servants in the friendly countries it has been decided to abolish the Services Selection Board set up vide the above quoted letters.

2. All administrative departments may henceforth scrutinize the requests of their employees to seek employment abroad and to allow extension/regulation in their deputation abroad, in the light of their own requirements.

No. PA/DS(P)1-1/96(III)
Dated the 17th December 1996

Subject: EXTENSION IN DEPUTATION PERIOD – NON-OBSERVANCE OF CRITERIA

I am directed to refer to the subject cited above and to reiterate the deputation policy of the Government of the Punjab enunciated in Finance Department's letter No. FD-SR.II.6(57)-73-2785 dated 9th February, 1974 (vide page 234) and S&GAD, Government of the Punjab letters No. SOR.II(S&GAD) 2-86/63 dated 18.04.1978, (enclosed vide page 240) No. SOR.II (S&GAD) 2-86/63-III dated 14.02.1979 (vide page 243) and SOR.II (S&GAD) 8-1/80 dated 10.11.1981 (vide page 248) which prescribe the terms and conditions of deputation of Government servants under the control of the Administrative Departments regardless of whether such deputation is to Autonomous or Local Bodies or to another Government or to another Department of Provincial Government.

2. It may further be stated that Governor of the Punjab has been pleased to observe that deputation should not be used as means for either dumping officers or for back-door entries. The cornerstone of Deputation Policy is and should be placement of personnel in the best public interest. This should not remain an un-stated mystery but should be clearly spelt out and available on record. In each case of extension, it must be clearly outlined and established that requisite expertise, skill and background is not available in the Provincial Government hence it is necessary to obtain services of specialists on deputation from outside. In these cases, while seeking extension in the period of deputation to the Provincial Government, the concerned department must also show the steps taken by it to develop the rare

skill/expertise ascribed to the deputationist within its own provincial cadre. It must not be forgotten that a deputationist blocks an opening, which should otherwise be available to employees of the Provincial Government. This must not and cannot be done except for strong reasons which should be available for all to see.

3. Similarly, when allowing a provincial Government employee to stay away on deputation, it must be clearly established by the Department that his staying away is in the larger public interest and also establish that there is no material loss on balance to the Provincial Government.

4. It may further be stated that Governor of Punjab has been pleased to emphasize that he would like the Provincial Government to bring the deputation to/from Punjab in line with the principles enunciated above. He has further desired to see the information within due date and time.

5. I am, therefore, directed to request you to kindly furnish this Department, by 25.12.1996 positively, with the lists of all such cases of officers/officials whose deputation/extension in deputation beyond normal period of three years has been allowed, in relaxation of rules and regulations.

No. E1-1-25/94(P)
Dated the 15th August 1997

Subject: GRANT OF NO OBJECTION CERTIFICATE FOR THE DEPUTATION OF PUNJAB GOVERNMENT EMPLOYEES WITH FEDERAL GOVERNMENT/PROVINCIAL GOVERNMENT

I am directed to refer to the subject noted above and to state that it has been observed that various departments are allowing deputation of their employees with Federal Government/other Provincial Governments, without obtaining clearance from the S&GA Department. According to provisions of Rules of Business as laid down vide (a) & (b) of Rule 14 (1), this matter falls within the purview of S&GA Department. Accordingly, Federal Government/Provincial Governments refer the cases back to S&GA Department for the grant of No Objection Certificate by S&GA Department.

2. I have, therefore, been directed to request that in future all the cases of the deputation of Punjab Government employees with Federal Government/other Provincial Governments may kindly be referred to S&GA Department for grant of No Objection Certificate of the S&GA Department.

No. SOR-III(S&GAD)1-25/2002
Dated the 18th May, 2011

Notification

The Chief Minister has been pleased to constitute the following Special Selection Board for Deputation Abroad:

(i)	Additional Chief Secretary, Punjab	Chairman
(ii)	Finance Secretary	Member
(iii)	Secretary (Services), S&GAD	Member
(iv)	Secretary of the Administrative Department	Member
(v)	Secretary (Regulations), S&GAD	Member/ Secretary

2. The Board shall consider the proposals for selection and extension in deputation abroad. The proposals shall be submitted by the Administrative Departments to the Regulations Wing, S&GAD, which shall place the same before the Board for making its recommendations.

No.SOR-II(S&GAD)2-134/10
Dated the 11th August, 2010

Subject: **PROMOTION POLICY — 2010**

The word "**promotion**" as defined in the Punjab Civil Servants Act, 1974 means appointment of a civil servant to a higher post in the service or cadre to which he belongs. Promotion not only implies advancement to a higher post but also involves shouldering of higher responsibility. Although the Punjab Civil Servants Act, 1974 and the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 provide legal framework for appointment by promotion yet need for a comprehensive promotion policy based on objective assessment of performance of civil servants has been felt for some time. Therefore, it has been decided to frame the following comprehensive policy for promotion of civil servants in the Punjab, to be effective from **01.01.2011**.

2. **Legal Position**

(1) Section 4 of the Punjab Civil Servants Act, 1974 lays down that appointment to a civil service of the province or to a civil post in connection with the affairs of the province shall be made in the prescribed manner by the Governor or by a person authorized by him in that behalf.

(2) Sub-Section (1) of Section 8 of the Punjab Civil Servants Act, 1974 provides that a civil servant shall be eligible to be considered for appointment by promotion to a post reserved for promotion in the service or cadre to which he belongs. Sub-sections (2) and (3) further lay down that promotion including Proforma Promotion shall not be claimed by any civil servant as of right and that promotion shall be granted with immediate effect and be actualized from the date of assumption of charge of the higher post, and shall in no case be granted from the date of availability of post reserved for promotion.

(3) Under sub-section (4) and (5) of section 8 of the Act ibid, a civil servant is not entitled to promotion from an earlier date except in the case of Proforma Promotion. A retired civil servant is not eligible for grant of promotion, provided that he may be considered for grant of proforma promotion as may be prescribed. The procedure for Proforma Promotion has been detailed in the Proforma Promotion Policy, 2003.

(4) As per sub-section (6) of section 8 of the Punjab Civil Servants Act, 1974, a post may either be a selection post or a non-selection post. Selection posts are to be filled on the basis of selection on merit and non-selection posts on the basis of seniority-cum-fitness.

(5) Sub-Section (2) of Section 2 of the Punjab Civil Servants Act, 1974 provides that an appointment whether by promotion or otherwise shall be deemed to have been made on regular basis if it is made in the prescribed manner. The word 'prescribed' means prescribed by rules. It is imperative that promotion to a post should be made only where service rules for the post meant for promotion have been framed and notified.

(6) Sub-rule (1) of rule 3 of the Punjab Civil servants (Appointment & Conditions of Service) Rules, 1974 provides that appointment against posts shall be made by promotion, transfer or initial

recruitment, as may be prescribed by the Government in relation to the posts in a grade from time to time.

(7) Rule 9 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 states that appointment by promotion or transfer to posts in various grades shall be made on the recommendations of the appropriate committee or board constituted, under rule 4 of the rules ibid.

(8) Rule 10 of the rules ibid states that only such persons who possess the qualifications and meet the conditions laid down for the purpose of promotion or transfer to a post shall be considered by the Selection Authority.

(9) Rule 10-A of the rules ibid provides for appointment on acting-charge basis of a civil servant who is eligible for promotion to a higher post but does not possess the requisite length of service and/or experience as provided in the service rules or Punjab Civil Servants (Minimum Length of Service for Promotion) Rules, 2003.

(10) Rule 13 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 provides for promotion on officiating basis.

(11) Rule 14 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 provides that all persons holding posts in the same functional unit, who posses the minimum qualification and experience prescribed for a higher post reserved for departmental promotion, shall be eligible to compete for promotion in the manner and subject to the conditions as may be prescribed.

3. **Types of Promotion**

(1) **Regular Promotion:** Regular promotion shall be made against a clear vacancy, which may occur due to promotion of the incumbent to a higher post on regular basis, his retirement, death, dismissal, removal from service, creation of a new post or any other such reason.

(2) **Promotion on Acting-Charge Basis:** In case a civil servant does not possess the requisite length of service/experience prescribed in the service rules or Punjab Civil Servants (Minimum Length of Service for Promotion) Rules, 2003 then he may be considered for appointment on acting-charge basis in terms of rule 10-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974.

(3) **Promotion on Officiating Basis:** In case of posts falling vacant temporarily as a result of proceeding of an incumbent on deputation, leave (more than six months), posting outside cadre, suspension, appointment on acting-charge basis or reserved under the rules to be filled by transfer, if none is available for transfer or in case of deferment of a senior due to any reason, the Board/DPC may consider the civil servants for promotion on officiating basis in terms of Rule 13 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974.

4. **Selection Authorities**

The Government may constitute Selection Boards/Committees in terms of Rule 4 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 for

making recommendations for promotion to different posts falling under the promotion quota. Such Selection Boards/Committees may be notified by the Government separately from time to time. The current Provincial Selection Boards/Departmental Promotion Committees were notified on 14.05.2004 *(**Annex-A**).

5. **Selection/Non-Selection Posts**

All posts in BS-19 and above reserved for promotion shall be selection posts and will be filled on selection on merit basis. Posts in BS-18 and below shall be non-selection posts to be filled on seniority-cum-fitness basis.

6. **Eligibility Criteria for Consideration for Promotion**

A civil servant shall be considered for promotion to posts reserved for promotion subject to his suitability and assessment of the following aspects:-

(1) Seniority position.

(2) He must have satisfactorily completed the probation period.

(3) He should possess the qualification/experience and fulfill other conditions as provided in the relevant service rules.

(4) Should possess the length of service as prescribed in the Punjab Civil Servants (Minimum Length of Service for Promotion) Rules, 2003.

(5) Service record comprising PERs.

(6) Award of minor or major penalties. Minor penalty of withholding of promotion for a specific period, will take effect from the date when a junior is considered for promotion and is promoted on regular basis for the first time.

‡‡(7) Successful completion of mandatory training and passing of prescribed departmental examination:

Provided that in case an officer who is nominated in order of seniority for mandatory training declines to proceed on training for two consecutive training courses, then he/she would forfeit the right to consideration for promotion.

(8) Any other condition laid down with the approval of the Competent Authority for a specific category of officers/officials such as:-

(a) Teachers, whose results are compared with the results of the Boards/ Universities.

(b) Field Officers, whose collection of revenue, utilization of ADP funds & achievements of specific targets is required to be assessed.

(9) An officer/official who is superseded will become eligible for consideration after the specified period.

♦(10) Research Papers, where required under any service rules for promotion against various posts, must have been published in a standard/ recognized journal while working on regular basis. The Research Papers published while working on current charge/acting

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**See:* PCS (A&CS) Rules, 1974 (under the heading 'Selection Boards/Committees' of Ancillary Instructions).

‡‡Sub-para (7) of para 6 substituted vide letter No. SOR.II(S&GAD)2-134/2010 dated 21.02.2012.

♦Sub-para (10) added vide letter No. SOR.II(S&GAD)2-134/2010 dated 24.05.2012.

charge/ officiating basis shall be recognized to have been written against lower posts, held by the officers on regular basis.

7. **Panel of Officers Per Vacancy**

The panel of officers per vacancy will be as under:

For promotion against posts up to BS-18.	A minimum of 2 officers/officials per vacancy depending on the availability of eligible officers in the cadre.
For promotion against posts in BS-19 and above.	A minimum of 3 officers per vacancy depending on the availability of eligible officers in the cadre

Provided that the panel would be in addition to superseded cases and not inclusive thereof.

8. **Procedure for Processing Cases by PSB/DPC**

On the basis of Working Paper submitted by the departments, the PSB/DPC shall consider all officers/officials in order of seniority, but seniority shall not carry any extra weightage for the determination of merit for promotion to selection posts. Performance Evaluation Reports will be given due importance but will not be the only criterion for promotion to selection posts. Performance Evaluation Reports shall be quantified for promotion against posts in BS-19 and above according to the formula given in the **Schedule-I**. Promotion against non-selection posts will be recommended/made on the basis of seniority-cum-fitness. After consideration, the PSB/DPC may either:

(a) recommend a civil servant for promotion to the next higher post;
(b) recommend a civil servant for supersession; or
(c) defer consideration of a civil servant's promotion.

9. **Causes of Deferment**

(1) After consideration of the names on the panel, the Board/Committee may recommend a civil servant for deferment on the basis of any one or more of the following reasons:

(i) The officer has failed to submit PER forms after completing Part-I to the Reporting Officer.

(ii) PER dossier is incomplete**, especially last full year's report is missing** or any other document/information required by the PSB or Committee for determining his suitability for promotion is not available.

(iii) The record of the civil servant is not clear, especially for the last five years (contains adverse remarks — pending decision on the representation).

(iv) Disciplinary proceedings, anti-corruption, or other enquiries or criminal cases are pending against him. However, preliminary inquiry/probe in the department or complaint pending with Anti-Corruption Establishment shall not be considered as a cause of deferment.

(v) He is on deputation with a foreign Government/ international organization.

(vi) He is on training abroad/long leave for a period of more than six months or is not likely to return within a period of six months.

(vii) He is on contract appointment outside or within the department.
(viii) His inter se seniority is disputed/subjudice.
(ix) He has not earned a full year's report after having been on deputation abroad/employment with foreign Government/long leave.
(x) He does not fulfill any specific condition laid down for a specific category of officers/officials such as mentioned at para 6 (8).

(2) The civil servant whose promotion has been deferred will be considered as soon as the reason, on the basis of which deferment took place, ceases to exist. However, the posts shall be reserved for the officers recommended for deferment. Such posts may be filled up temporarily on officiating basis.

10. **Causes of Supersession**

(1) In Case of Selection Posts
The Board shall supersede those civil servants who do not fulfill the eligibility threshold.

(2) In Case of Non-Selection Posts
The Board/DPC may recommend a civil servant for supersession on the basis of any one or more of the following reasons:-

(i) The record of the officer contains adverse remarks (not expunged after representation) during the last **three** years.
(ii) He has failed to qualify or failed to appear in the prescribed departmental examination (within the prescribed attempts) or mandatory training.
(iii) His performance in the mandatory training courses is unsatisfactory.
(iv) He has been awarded major penalty within five years of the date of consideration for promotion.
(v) He has been awarded three or more minor penalties during the last **five years**.

11. **Communication of Reasons of Deferment/Supersession**

The officers/officials deferred or superseded by the PSB/DPC be informed about the reasons for their supersession/deferment to enable such officers / officials to improve their performance and to complete their record/any other deficiency, as the case may be.

12. **Efficiency Index for Promotion/Deferment/Supersession — Selection Posts**

(1) The minimum threshold marks for promotion to various scales shall be as per the following table:-

Basic Pay Scale	Aggregate marks of Efficiency Index (out of 100)
BS-19	60
BS-20	70
BS-21	75

(2) The Selection Board shall recommend the officers on the panel securing the requisite % and above in the efficiency index for

promotion unless deferred (in order of seniority, depending upon the number of vacancies). No officer meeting the aggregate threshold, shall be superseded. The senior officers, if not recommended for promotion on account of low threshold, shall be superseded, whereas, the junior officers if not recommended for promotion for want of vacancies shall be deemed not to have been considered.

13. **Quantification of PERs, Training Evaluation and PSB Evaluation for Consideration of Promotion against Selection Posts**

(1) For the purpose of consideration by the PSB, the PERs will be quantified according to the formula given in the **Schedule-I**. The following marks will be allocated for quantification of PERs, Training Evaluation Reports and PSB evaluation:-

Sr. No.	Factor	Marks
1	Quantification of PERs relating to present grade and previous grade(s) @60%:40%	70%
2	Training Evaluation reports	15%
3	Evaluation by PSB	15%
	Total:	**100%**

(2) PERs in respect of two preceding grades (BS) or the last 12 years whichever is more will be quantified. If the service of an officer in present and previous grade is less than 12 years then the deficiency will be met by taking into account the PERs of next lower grade, which will be bracketed with the PERs of preceding grade. However, where initial appointment was made in BS-18, 19 or 20, the number of PERs for the purpose of quantification shall be reduced in the light of the Punjab Civil Servants (Minimum Length of Service for Promotion) Rules, 2003.

(3) Posts in BS-19 and above, generally, involve supervision, policy-making or extensive administrative jurisdictions. The Board while determining suitability of an officer should give due consideration to the nature of duties, duration and location of posts previously held by the officer. The officers possessing well-rounded experience should normally be preferred, especially who had served with distinction in unattractive areas. In addition to the variety of experience the incumbents must possess proven analytical competence, breadth of vision, emotional maturity and such other qualities as determine the potential for successfully holding posts in top management.

14. **Training Evaluation Reports**

(1) A total of fifteen (15) marks shall be allocated to the Training Evaluation Reports for mandatory training courses from the national or provincial institutions such as NMC, NDU, NIPA, M&PDD or Government Engineering Academy, Punjab etc. Evaluation of the reports from the training institutions shall be worked out as under:-

(i) It shall be on the basis of Grade Percentage already awarded by the National School of Public Policy (National Management College and Senior Management

Wing) and its allied Training Institutions as provided in their reports.

(ii) Previous reports of Pakistan Administrative Staff College and NIPAs where no such percentage has been awarded, points shall be worked out on the basis of weighted average of the percentage range of grades followed by these Institutions as reflected in the Table below:-

TABLE
PASC & NIPAs

Category	**Range**	**Weighted Average**	**Total marks (out of 15)**
A. Outstanding	91-100%	95.5%	14.43
B. Very Good	80-90%	85%	12.75
C. Good	66-79%	72.5%	10.87
D. Average	50-65%	57.5%	8.62
E. Below Average	35-49%	42%	6.30

In case an officer is nominated for training at NDU then Federal Government Formula will be followed.

(2) The calculation of comprehensive efficiency index regarding civil servant for whom no mandatory training has been prescribed, the PERs shall carry 70% marks and consideration by the PSB will be 30%.

(3) The officers who have been granted exemption from mandatory training having attained the age of 58 years may be awarded marks on notional basis for the training factor (for which he/she was exempted) in proportion to the marks obtained by them in the PERs.

(4) In cases where no grading or categorization has been made rather certificate was issued on the basis of attendance by the training institution, marks may be awarded to the officers on notional basis for the training factor in proportion to the marks obtained by them in the PERs.

15. **Performance Evaluation Reports for Non-Selection Posts**

The assessment of an officer/official should be based on his entire service record and not only on a portion of it. It is, however, in the discretion of the assessing authority to give greater weight to the more recent reports, but the older reports should not be completely ignored and should be taken into consideration for an overall evaluation of the service record.

16. **Validity of Recommendations of PSB/DPC**

(1) The recommendations of PSB/DPC shall be implemented immediately after approval by the Competent Authority and promotion orders issued in consequence thereof.

(2) The recommendations of the Board/Committee shall remain valid for a period of one year.

(3) The period of validity of recommendations of the PSB/DPC shall be counted from the date of approval accorded by the appointing authority.

(4) In case the officer cleared for promotion is proceeded against under disciplinary laws on account of omissions and commissions pertaining to the period prior to consideration of his case by the PSB/DPC, the result of the proceedings shall be awaited and if he is exonerated during the validity of the recommendations, his promotion may be actualized otherwise his case shall be placed again before the PSB/DPC.

17. **Seniority List**

Only notified seniority list will be accepted while considering a case of promotion of a civil servant. No tentative or provisional seniority list will be accepted by the PSB/DPC.

The appointing authorities must ensure notification of seniority lists each year as per existing instructions.

18. **Static List**

(1) Sub-rule (3) of rule 8 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 provides that in case of extraordinary leave without pay beyond 5 years the name of the person to whom such leave is granted will be removed from the seniority list and placed on a separate static list with no claim to promotion or seniority over any junior who may be promoted during the period and his name will be brought back on the seniority list only after he resumes duty on return and his seniority shall be determined after deducting the period he remained on EOL beyond 5 years. If approved for promotion he will not regain his seniority. In case of deputation abroad or contract appointment, if the period of deputation abroad or contract appointment exceeds 5 years, the name of the officer shall be brought on static list and shall have the same consequences as given in proviso to the rule ibid.

(2) The Administrative Department while submitting Working Paper for promotion shall specifically highlight the cases which fall in the categories discussed under the sub-para 1 above.

19. **Working Paper for the PSB/DPC**

The Department shall give following details in the Working Paper:

(1) Total number of sanctioned posts.

(2) Bifurcation of posts falling in promotion and initial recruitment quota, if any, and details of vacancies available for promotion.

(3) Causes of occurrence of vacancies duly supplemented by documentary evidence.

(4) Method of promotion as per service rules.

(5) Panel of Government Servants proposed to be considered for promotion strictly in accordance with the notified seniority list (not according to the tentative seniority list).

(6) Detailed service account of each officer/official giving full service particulars as well as synopsis of PERs.

(7) Details of penalties awarded and gist of charges.

(8) Details of pending inquiries and gist of charges.

(9) Result of trainings/examinations prescribed for the posts.

(10) Remarks of the previous meetings, if considered earlier.

(11) Additional information, if any.

(12) PER grading & Quantification Form must be attached as per **Schedule-II**.

(13) Clear recommendations of the Department be added.

(14) The Working Paper for PSB/DPC should be submitted two weeks before the meeting of the PSB/DPC.

(15) Pre-PSB meeting may be held 10 days before the meeting of the PSB.

20. **Promotion in Absentia**

The cases of officers/officials proceeding on deputation, long leave, working against posts outside their cadre shall be dealt with as under:

(1)	On deputation with an Autonomous Organization or another Government viz. Federal Government or another Provincial Government.	The case of the officer should be considered on his turn and, if cleared, he should be informed of the decision and given an option to revert back to his parent department in his own interest within three months. In case the officer concerned reverts back to the parent department within this period, he should be promoted and allowed to retain his original seniority, otherwise he should be considered for promotion only on return from deputation.
(2)	On deputation with a Foreign Government or International Organization.	The deputationist should be considered only after he has returned to Pakistan and earned one full year PER.
(3)	On training abroad.	The case of an officer who is on training abroad for a period of less than 6 months or he is due to return within a period of 6 months, should be considered on his turn and in case he is cleared for promotion, he should get his promotion on return from training and satisfactory completion of the course. The case of the officer who is on training abroad for more than 6 months or he is due to return after six

		months, should be considered on his return and satisfactory completion of the course.
(4)	On long leave.	The case of an officer who is on leave for a period of less than 6 months or he is due to return within a period of 6 months should be considered on his turn and in case he is cleared for promotion, he should get his promotion on return from leave. The case of the officer who is on long leave for more than 6 months or is due to return after six months should be considered on his return from leave. The case of the officer who is on leave for more than 2 years should be considered after he has returned from leave and earned one full year's PER.
(5)	Holding a job under his own department/ Government but outside his own cadre.	A civil servant will be promoted in his own cadre. Those posted against ex-cadre posts will be considered for promotion on their turn. If cleared for promotion, the actual promotion will take place only when they rejoin their parent cadre.
(6)	On contract appointment.	Where a civil servant, during the period of contract appointment, becomes due for promotion in his own cadre or service, he shall be deferred for promotion and shall only be eligible for consideration for promotion on his return from the contract appointment. Where a civil servant is promoted on his return from contract appointment, he shall not be eligible for grant of proforma promotion. However, he shall be allowed to retain his original seniority in his cadre.

21. **Promotion During LPR**

A civil servant during LPR will not be considered for promotion to a higher post.

22. **Effect of Supersession on Promotion**

A civil servant who is superseded on any account shall not be considered for promotion unless he has earned one more PER for one full year.

First supersession shall be for one year and the case of the officers/officials shall be brought up before the Board/DPC after the lapse of that period. If the officer/official is superseded again, the supersession shall be for 2 years and if he is superseded again (third time) then it shall be treated as permanent supersession. His case should also be considered for retirement either on his own request or under section 12(i) of the Punjab Civil Servants Act, 1974.

23. **Upgradation of Posts and Promotion**

Upgradation of a post and promotion of an officer from lower to higher scale are two distinct issues which should not be linked together. Upgradation of a post on account of expansion in area of jurisdiction and responsibilities is within the purview of Finance Department, whereas, promotion of an officer to a higher scale is entirely a different issue which falls under the exclusive jurisdiction of the PSB or the DPC depending upon the scale of the officer/official. Upgradation of a post by Finance Department does not automatically enhance scale of the officer/official whose suitability to occupy the upgraded post has to be assessed separately by the competent authority except where all posts in a cadre are upgraded alongwith incumbents by the Finance Department in consultation with the S&GAD with the approval of the Chief Minister, Punjab.

24. **Forgoing of Promotion**

(1) As laid down in Rule 3(1) of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, promotion is a mode of appointment, therefore, a civil servant after issuance of promotion notification, can refuse to accept the promotion. However, on such refusal he shall stand superseded.

(2) The effect of such a supersession shall be for three years and he shall be considered for promotion after three years. In case he is cleared for promotion and he again forgoes promotion then he will be deemed to have been permanently superseded.

25. **General**

(1) Posts in promotion quota should be calculated on the basis of sanctioned cadre strength to be fixed by the Finance Department and according to the share/ratio provided in the service rules.

(2) The fraction of 0.5 or above shall go to promotion quota as per provisions of the Punjab Civil Services (Ratios of Recruitment) Rules, 1973 while calculating the promotion quota.

(3) The vacant posts in the promotion quota should be substantiated with documentary proof, i.e., attachment of orders of retirement, promotion, dismissal, etc.

(4) The Working Paper for placing before PSB should be signed by the Secretary or Additional Secretary of the department, after approval of the Minister Incharge.

(5) The Working Paper for placing before DPC should be signed by an officer not below the rank of Deputy Secretary at provincial level. However, at district level it should be signed by an officer not below the rank of District Officer concerned.

(6) Furnishing complete information / details and calculation of score of the officers with accuracy is the responsibility of the concerned Administrative Department. All the Departments must ensure that documents in regard to the proposals for promotion are prepared with utmost care so that the information submitted to the Board/DPC is complete and accurate in all respects. In the event of any discrepancy coming to notice, strict disciplinary action shall be taken against the responsible officer/official.

26. The above policy will supersede all instructions issued from time to time on the subject.

27. This issues with the approval of the Chief Minister Punjab. All the Administrative Departments/Authorities are requested to ensure strict compliance of this policy, at all levels.

Schedule – I
[See para 8]

Quantifying the Performance Evaluation Reports

PERs in respect of two preceding grades (BS) or the last 12 years, whichever is more, will be quantified. If the service of an officer in present and previous grade is less than 12 years then the deficiency will be met by taking into account the PERs of next lower grade, which will be bracketed with the PERs of preceding grade. However, where initial appointment was made in BS-18, 19 or 20, the number of PERs for the purpose of quantification shall be reduced in the light of the Punjab Civil Servants (Minimum Length of Service for Promotion) Rules, 2003.

2. (a) The overall gradings in the PERs are allocated the following marks:

Sr. No.	Overall Grading	Marks
(i)	Outstanding	10
(ii)	Very Good	08
(iii)	Good	07
(iv)	Average	05
(v)	Below Average	01
(vi)	Poor	00

*(aa) For the overall grading in the PERs to be recorded on the revised forms for the year 2013 onwards, following marks have been allocated to the ratings given below:

Sr. No.	Overall Grading	Marks
(i)	Outstanding	10
(ii)	Very Good	08
(iii)	Satisfactory	07
(iv)	Unsatisfactory	00

(b) If the overall grading in a PER is ambiguous e.g., placed between Good and Average, the quantification will be based on the lower rating.

(c) In case the assessment of the countersigning officer differs from that of the reporting officer in any PER, the quantification will be based on the overall grading recorded by the countersigning officer.

(d) Where two or more confidential reports were initiated in a calendar year, the marks for that year will be worked out on the basis of actual days

*Para 2 (aa) added vide Notification No. SOR-II(S&GAD)2-134/2010 dated 05.01.2013.

of the report divided by 365 and multiplied by grading marks of that period unless the officer was promoted during the year when the relevant part reports were recorded. First report and the last report should be counted for full year.

3. The marks for PERs will be computed separately for each level of posts carrying the same basic pay scale and a weighted aggregate score will be worked out as follows:

First Step

Weighted mean will be calculated for each calendar year containing 2 or more PERs *vide* 2(d) to derive the PER score for that year as follows:

$$\sum = \frac{\text{Number of days} \times \text{grading marks}}{365 \text{ days}}$$

Second Step

Average marks for each level will be calculated according to the following formula:

$$\text{Average marks} = \frac{\sum M}{T} \times 10$$

Where

M = Marks for PERs *vide* paras 2(a) and 2(d); and

T = Total number of PERs in posts at that level.

Third Step

Weightage for posts held at each level will be given as follows in computing the aggregate score against a uniform scale of 70% marks:-

Aggregate score = (0.42 x B) + (0.28 x A)

Where

B = total marks for PERs in the present scale

A = total marks for PERs in the preceding scale

Fourth Step

The following additions/deductions shall be made in the total marks worked out in the second step

A. ***Additions:***

(i)	for serving in a Government training institution, including those meant for specialized training in any particular cadre, for a period of 2 years or more.	2 marks

B. ***Deductions:***

(i)	for each major penalty imposed under the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, Punjab Civil Servants (Efficiency and Discipline) Rules, 1999, Punjab Removal from Service (Special Powers) Ordinance, 2000 Punjab Employees Efficiency, Discipline and Accountability Act 2006.	5 marks
(ii)	for each minor penalty imposed under the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, Punjab Civil Servants (Efficiency and Discipline) Rules, 1999, Punjab Removal from Service (Special Powers) Ordinance, 2000 Punjab Employees Efficiency, Discipline and Accountability Act 2006.	3 marks
(iii)	for adverse remarks (deductions be made for such remarks only as were duly conveyed	1 mark per PER

to the concerned officer and were not expunged on his representation or the officer did not represent).	containing adverse remarks

4. Where an officer appointed to a higher post on *acting charge/ officiating/current charge basis* is considered for regular promotion to that post, the PERs earned during his acting charge/officiating/current charge appointment will be added to the PERs *earned in the lower post for* calculating the marks.

Schedule – II
[See para 19(12)]

PER GRADING & QUANTIFICATION FORM
(FOR PROMOTION FROM BS-18 TO BS-19)

Name/Designation: **Department** **Seniority No.**
Date of Birth:

Year	Post held	Period of PER		PER's Assessment		Fitness for promotion	Score
		From	To	By RO	By CO		
Previous Scale (BS-17)							
						Aggregate Score =	
Present Scale (BS-18)							
						Aggregate Score =	

CALCULATION OF SCORE

PERs Quantified Score	Basic Scale	Aggregate Score	Weightage Factor	Points Obtained
60:40 @ 70%	Present Scale		0.42	
	Previous Scale		0.28	
	i. Additions ii. Deletions			
	Total **(A)**			
Training: @ 15%	Mandatory training as prescribed **(B)**		0.15	
Total: 85%			**Total: (A+B)**	

Prepared by Checked by Countersigned by

Name:
Designation:
Date:

SEE SAMPLE ATTACHED

PER GRADING & QUANTIFICATION FORM
(FOR PROMOTION FROM BS-19 TO BS-20)

Name/Designation: (BS-19) Department Seniority No.
Date of Birth:

Year	Post held	Period of PER		PER's Assessment		Fitness for promotion	Score
		From	To	By RO	By CO		
Previous Scale (BS-18)							
						Aggregate Score =	
Present Scale (BS-19)							
						Aggregate Score =	

CALCULATION OF SCORE

PERs Quantified Score	Basic Scale	Aggregate Score	Weightage Factor	Points Obtained
60:40 @ 70%	Present Scale		0.42	
	Previous Scale		0.28	
	i. Additions ii. Deletions			
	Total **(A)**			
Training: @ 15%	Mandatory training as prescribed (NIPA etc.) **(B)**		0.15	
Total : 85% (A+B)			**Total :**	

Prepared by Checked by Countersigned by

Name:
Designation:
Date:

SEE SAMPLE ATTACHED

PER GRADING & QUANTIFICATION FORM
(FOR PROMOTION FROM BS-20 TO BS-21)

Name/Designation: (BS-20) Department Seniority No.
Date of Birth:

Year	Post held	Period of PER		PER's Assessment		Fitness for promotion	Score
		From	To	By RO	By CO		
Previous Scale (BS-19)							
						Aggregate Score =	
Present Scale (BS-20)							
						Aggregate Score =	

CALCULATION OF SCORE

PERs Quantified Score	Basic Scale	Aggregate Score	Weightage Factor	Points Obtained
60:40 @ 70%	Present Scale		0.42	
	Previous Scale		0.28	
	i. Additions ii. Deletions			
	Total (A)			
Training: @ 15%	NMC / NDC		0.09	
	NIPA		0.06	
	Total: (B)			
Total : 85%			**Total : (A+B)**	

Prepared by Checked by Countersigned by

Name:
Designation:
Date:

SEE SAMPLE ATTACHED

SAMPLE
PER GRADING & QUANTIFICATION FORM
(FOR PROMOTION FROM BS-18 TO BS-19)

Name/Designation: (BS-18) Department Seniority No.
Date of Birth:

Year	Post held	Period of PER		PER's Assessment		Fitness for promotion	Score
		From	To	By RO	By CO		
Previous Scale (BS-17)							
1996		01.01.1996	31.12.1996	V. Good	V. Good	Fit	08
1997		01.01.1997	31.12.1997	V. Good	V. Good	Fit	08
1998		01.01.1998	31.12.1998	Good	Good	Fit	07
1999		01.01.1999	31.12.1999	Good	Good	Fit	07
2000		01.01.2000	31.12.2000	Good	Good	Fit	07
						Aggregate Score = 37 / 5 x 10	**74**
Present Scale (BS-18)							
2001		01.01.2001	31.12.2001	V. Good	V. Good	Fit	08
2002		01.01.2002	31.12.2002	Good	Good	Fit	07
2003		01.01.2003	31.12.2003	V. Good	V. Good	Fit	08
2004		03.01.2004	31.12.2004	Average	Average	Fit	05
2005		01.01.2005	31.12.2005	Good	Good	Fit	07
2006		01.01.2006	31.12.2006	Good	Good	Fit	07
2007		01.01.2007	31.12.2007	V. Good	V. Good	Fit	08
						Aggregate Score = 50 / 7 x 10	**71.43**

CALCULATION OF SCORE

PERs Quantified Score	Basic Scale	Aggregate Score	Weightage Factor	Points Obtained
60:40 @ 70%	Present Scale	71.43	0.42	**30.00**
	Previous Scale	74.0	0.28	**20.72**
	i. Additions ii. Deletions			
	Total **(A)**			**50.72**
Training: @ 15%	Mandatory Training **(B)**	85%	0.15	**12.75**
Total 85%				**63.47**

Prepared by | Checked by | Countersigned by

Name:
Designation:
Date:

SAMPLE
PER GRADING & QUANTIFICATION FORM
(FOR PROMOTION FROM BS-19 TO BS-20)

Name/Designation: (BS-19) Department Seniority No.
Date of Birth:

Year	Post held	Period of PER		PER's Assessment		Fitness for promotion	Score
		From	To	By RO	By CO		
Previous Scale (BS-18)							
1997		01.01.1997	31.12.1997	Good	Good	Fit	07
1998		01.01.1998	31.12.1998	V. Good	V. Good	Fit	08
1999		01.01.1999	31.12.1999	Good	Good	Fit	07
						Aggregate Score = 22/3 x 10	**73.33**
Present Scale (BS-19)							
2000		01.01.2000	31.12.2000	V. Good	V. Good	Fit	08
2001		01.01.2001	31.12.2001	Good	Good	Fit	07
2002		01.01.2002	31.12.2002	V. Good	V. Good	Fit	08
2003		01.01.2003	31.12.2003	Good	Good	Fit	07
2004		01.01.2004	31.12.2004	Good	Good	Fit	07
2005		01.01.2005	31.12.2005	V. Good	V. Good	Fit	08
2006		01.01.2006	31.12.2006	V. Good	V. Good	Fit	08
2007		01.01.2007	31.12.2007	V. Good	V. Good	Fit	08
2008		01.01.2008	31.12.2008	Good	Good	Fit	07
						Aggregate Score = 68 / 9 x 10	**75.55**

CALCULATION OF SCORE

PERs Quantified Score	Basic Scale	Aggregate Score	Weightage Factor	Points Obtained
60:40 @ 70%	Present Scale	75.55	0.42	**31.73**
	Previous Scale	73.33	0.28	**20.53**
	i. Additions. ii. Deletions			
	Total (A):			**52.26**
Training: @ 15%	Mandatory training as prescribed (NIPA, etc.) **(B)**	76%	0.15	**11.40**
Total : 85%			**Total : (A+B)**	**63.66**

Prepared by Checked by Countersigned by

Name:
Designation:
Date:

SAMPLE
PER GRADING & QUANTIFICATION FORM
(FOR PROMOTION FROM BS-20 TO BS-21)

Name/Designation: (BS-20) Department Seniority No.
Date of Birth:

Year	Post held	Period of PER		PER's Assessment		Fitness for promotion	Score
		From	To	By RO	By CO		
Previous Scale (BS-19)							
1998		01.01.1998	31.12.1998	V. Good	V. Good	Fit	08
1999		01.01.1999	31.12.1999	Good	Good	Fit	07
2000		01.01.2000	31.12.2000	V. Good	V. Good	Fit	08
2001		01.01.2001	31.12.2001	Good	Good	Fit	07
						Aggregate Score = 30 / 4 x 10	**75**
Present Scale (BS-20)							
2002		01.01.2002	31.12.2002	V. Good	V. Good	Fit	08
2003		01.01.2003	31.12.2003	Good	Good	Fit	07
2004		01.01.2004	31.12.2004	Good	Good	Fit	07
2005		01.01.2005	31.12.2005	V. Good	V. Good	Fit	08
2006		01.01.2006	31.12.2006	Good	Good	Fit	07
2007		01.01.2007	31.12.2007	V. Good	V. Good	Fit	08
2008		01.01.2008	31.12.2008	V. Good	V. Good	Fit	08
2009		01.01.2009	31.12.2009	Good	Good	Fit	07
						Aggregate Score = 60 / 8 x 10	**75**

CALCULATION OF SCORE

PERs Quantified Score	Basic Scale	Aggregate Score	Weightage Factor	Points Obtained
60:40 @ 70%	Present Scale	75	0.42	**31.5**
	Previous Scale	75	0.28	**21.0**
	i. Additions ii. Deletions			
	Total (A)			**52.50**
Training: @15%	NMC/NDC	70% (Good)	0.09	**6.3**
	NIPA	70%	0.06	**4.2**
	Total: (B)			**10.5**
Total : 85%			**Total : (A+B)**	**63.00**

Prepared by Checked by Countersigned by

Name:
Designation:
Date:

No. SO(C-I)2-25/2008
Dated the 28th May, 2008

Subject: PROMOTIONS THROUGH CIRCULATION BY PROVINCIAL SELECTION BOARD

I am directed to refer to the subject noted above and to state that generally there is failure on the part of departments to process promotion cases timely owing to different procedural reasons and officers who are other wise eligible for promotion get retired in the meanwhile. Even instructions for processing promotion cases of retiring officers through circulation are not followed. The Chief Minister took notice of the situation and was pleased to constitute a committee to review the existing procedures and to work out modalities for remedial measures.

2. In this regard, a meeting of the said committee was held on 18.05.2009 under the chairmanship of Additional Chief Secretary. The committee deliberated upon the issue and decided as under:

i. Special meetings of the Provincial Selection Boards shall be held after every three months for retiring officers, on the first Monday of the month in which the meeting is scheduled.
ii. The first such PSB-II meeting shall be held on July 13, 2009.
iii. All the departments shall ensure that no case of any retiring officer is ignored for consideration in such special meetings. However, if their is no such case pending with the Department a certificate to this effect will be furnished to the Service Wing of S&GAD.
iv. Cases of all those officers who are retiring before the July 12, 2009, the date of first Special PSB-II meeting for retiring officers will initiated for promotion through circulation, as one time dispensation, at least 15 days before their retirement. The case initiated by the Department at the eleventh hour would not be entertained and the administrative department concerned would be held responsible for the lapse.

3. In view of the above, I am further directed to request that the aforesaid instructions may be complied with in letter and spirit.

No. SO(C-I)2-25/2008
Dated the 5th May, 2012

Subject: PROMOTIONS THROUGH CIRCULATION BY PROVINCIAL SELECTION BOARD

I am directed to refer to the subject noted above and to state that the Competent Authority has noticed with concern that the Administrative Departments fail to process promotion cases on time and consequently officers who are otherwise eligible for promotion get retired in the meantime. Attention is invited to the earlier S&GAD's circulation letter dated 28.05.2008 approved by the Chief Minister whereby the cases of all those officers who were retiring before July 12, 2009 were granted one time dispensation and Administrative Departments were asked to initiate cases for their promotion at least 15 days before their retirement. It was further

communicated that all the departments should ensure that not case of any retiring officer is ignored and case of the retiring officer initiated at the eleventh hour would not be entertained and the administrative department concerned would be held responsible for the lapse.

2. However, despite the aforementioned clear instructions and regular meetings of the Provincial Selection Board-I held each month, the Administrative Departments submit promotion cases of officers through circulation at the verge of their retirement and at times just a day before the retirement of the officer concerned, in violation of the standing instructions and laid down procedure. There is a conspicuous failure on the part of departments to process such cases well before the retirement of officers for which the A.D. concerned is fully liable.

3. In view of the above, I am directed to convey that in future cases for promotion of officers through circulation would not be entertained. All the Administrative Departments are requested that previous instructions on the subject may be complied with in letter and spirit and cases for promotion of officers may be processed well in time and submitted for consideration of PSB-I & II in its regular meetings being convened every month.

No. SO(C-I) 2-1/2004
Dated the 15th December, 2010

Subject: PROMOTION POLICY

This is with reference to the Regulations Wing of S&GAD's letter No. SOR-II (S&GAD) 2-134/10 dated 11.08.2010 whereby new Promotion Policy-2010 has been circulated to be effective w.e.f. 01.01.2011. The previous instructions issued from time to time with regard to promotion have been superseded and all departments are now required to follow the policy in letter and spirit. As per Para 13 of the Policy, the following marks will be allocated for quantification of PERs, Training Evaluation Reports and PSB evaluation:

Sr. No.	Factor	Marks
1.	Quantification of PERs relating to present grade and previous grade(s) @ 60%:40%	70%
2.	Training Evaluation Reports	15%
3.	Evaluation by PSB	15%
	Total	100%

2. From January 2011 onward, all promotion cases/working papers of all Departments will have to be prepared and processed in accordance with the provisions of the new Policy. Administrative Departments are, therefore, requested to intimate the level of preparedness vis-à-vis new Promotion Policy-2010.

No.SOR -II (S&GAD)2-134/10
Dated the 30th December, 2010

Subject: CHANGE IN THE DATE OF APPLICATION OF THE PROMOTION POLICY — 2010

Kindly refer to the subject noted above.

2. The Promotion Policy – 2010, circulated by the Regulations Wing, S&GAD, vide letter of even number dated 11.08.2010, was declared to be effective from 01.01.2010. However, it was brought to the notice of the Chief Minister that staff working in the Administrative Departments is not yet attuned to quantification of the PERs and needs training in this field. The Chief Minister has, therefore, been pleased to extend the date of application of the Promotion Policy – 2010 from 01.01.2011 to 01.04.2011. He has also directed that training of the concerned staff be arranged in the meantime by the Management & Professional Development Department.

3. You are, therefore, requested to take further necessary action accordingly. The existing instructions on promotion may be followed till 31.03.2011.

No.SOR-II(S&GAD)2-134/2010
Dated the 6th October, 2011

Subject: PROMOTION POLICY 2010 — QUANTIFICATION OF PERs

I am directed to refer to the subject cited above and to state that instances have come to the notice of the Regulations Wing S&GAD that various Departments have experienced difficulties in quantification of PERs in terms of Schedule-I of the Promotion Policy, 2010 issued by the S&GAD vide No.SOR-II(S&GAD)2-134/10, dated 11.08.2010. Position with regard to quantification of PERs has been reviewed in consultation with the Establishment Division, Government of Pakistan and it is clarified that the following aspects may be kept in view while quantifying the PERs in different situations:

Period of PER	Situations (ACR available / Not available)	Gradation	Scores
1	2	3	4
Full year	**Situation I** ACR available	Outstanding Very Good Good Average Below Average Poor	10 8 7 5 1 0
	Situation II ACR Awaited	No grading till receipt of the same	
	Situation III ACR not Required (i) Period as OSD (ii) Long Leave	No grading	No score. Moreover, nothing to be added in the numerator or

Period of PER	Situations (ACR available / Not available)	Gradation	Scores
1	2	3	4
	(iii) Deputation abroad		denominator of the formula for the second step in schedule-I of the Promotion Policy — 2010.
Part of a year	**Situation IV** ACR for part of a year available. ACR for remaining part of the year due but awaited. (For example, ACR for the period 01.01.2004 to 31.05.2004 is "Good" ACR for the period 01.06.2004 to 31.12.2004 is awaited).		(i) Score for the part of the year for which PER is available is calculated as per the following formula: Score = No. of days x grading marks / 365 (ii) A factor (No. of days of the available ACR/365) will be added to the denominator / divider in the formula for second step in Schedule-I of the Promotion Policy 2010 Example: In the example in column 2 Score = 151x7/365=2.90 Factor to be added in the divider = 151/365=0.41
	Situation V ACR for part of a year available. For the remaining part, ACR not required / not due / beyond the control of the officer concerned. (For example for the period 01.01.2005 to 31.05.2005 ACR is available and is 'Good' ACR for the remaining part of the year i.e., 01.06.2005 to 31.12.2005 is not required as the officer remained OSD/on long leave /	Grading for the available ACR will be extended over the full year. For example, if for five months of a year, the report is 'Good' and for the remaining part of the year, ACR is not due, ACR for the whole year will be treated as 'Good' and score awarded will be 7(seven). 1(one)	In the example given in column 2, the ACR for the first five months is 'Good'. Extending the gradation over the entire year, ACR for the full year 2005 will be treated as 'Good' and a score of 7 will be awarded to the officer.

Period of PER	Situations (ACR available / Not available)	Gradation	Scores
1	2	3	4
	deputation abroad.	will be added to the divider in the formula for second step in Schedule-I of the Promotion Policy — 2010.	

No. SO(C-I)1-2/96(P)
Dated the 14th February, 2009

Subject: **GRANT OF BASIC PAY SCALES 21 AND 22 TO TECHNICAL AND PROFESSIONAL OFFICERS IN SPECIALLY MERITORIOUS CASES**

In continuation of this Department's letter of even No. dated 8th February 2005 on the subject noted above and to state that the Establishment Division, Government of Pakistan, vide memo No. F.8/1/2008/CP (5), dated 25.11.2008 has further revised the policy/criteria regarding grant of BS-21 and BS-22 to Technical and professional Officers on account of Meritorious Services. The salient points are as under:

a) Officers be considered for grant of BS-21 and BS-22 on the basis of meritorious service in order of seniority.
b) PERs should be quantified in present and previous scales as per existing promotion policy and assigned a weightage of 70%.
c) Training from NIPA, Staff College and National Institute of Management may be given 15% weightage. In case the training information/requirement is not relevant, overall professional competence be judged and notional marks be assigned on the basis of his previous record.
d) Minimum of 3 years active service in BS-20 for BS-21 and 5 years active service in BS-20 and above including 3 years in BS-21 for BS-22 will be required excluding the period of long leave (4 months or more).
e) The Special Selection Committee shall scrutinize significant contribution of the Technical and Professional Officers in their relevant fields of specialization, consulting Secretary concerned and Head of Offices/Organizations and the background, level of competence and general reputation and allocate marks out of 15 to the officers being considered for grant of BS-21 and BS-22 on the basis of meritorious services.
f) Minimum threshold in this way shall be 75% marks.

2. This revised policy/criteria was discussed in the PSB-I meeting held on 26.12.2008. Subsequently a sub committee was constituted under the chairmanship of Chairman P&D Board to deliberate upon different related issues and make recommendations. In the light of recommendations of the sub committee, the competent authority has been pleased to desire that the following instructions be circulated for strict compliance.

(i) The revised policy/criteria circulated by the Federal Government will be adopted by the Punjab Government.
(ii) The existing 20 posts reserved for grant of BS-21/BS-22 and their further allocation to different departments will remain in tact.
(iii) All concerned departments will determine whether training is mandatory for a particular professional and technical cadre or service. If training is mandatory and the nominated officer has already done it, then the Department will make necessary

grading/evaluation of such training so that he may be assigned marks out of allocated 15 marks. Training institutions should also make grading of any such training.

(iv) Special Selection Committee proposed in the new policy is constituted at the departmental level with the following membership:

(1)	Secretary of the concerned Department.	Chairman
(2)	Secretary (Services) S&GAD or his representative.	Member
(3)	Secretary (Regulations) S&GAD or his representative not below the rank of Additional Secretary.	Member
(4)	A representative of P&D Department (Not Below the rank of Addl. Secretary).	Member
(5)	Any member to be co-opted by the Committee.	

(v) The Special Selection Committee of any Administrative Department will consider all eligible candidates for promotion in BS-21/BS-22. On its recommendation, cases will be forwarded to S&GAD for consideration of PSB-I.

3. I am, therefore, directed to request that the revised policy/criteria be given wide publicity and be circulated to all attached departments/institutions/ organizations and all officers will consider themselves eligible for promotion to BS-21/BS-22 may apply to their concerned secretary for the purpose.

No. SO(C-I)1-2/96(P)
Dated the 9th August, 2004

Subject: GRANT OF BASIC PAY SCALED 21 AND 22 TO TECHNICAL AND PROFESSIONAL OFFICERS IN SPECIALLY MERITORIOUS CASES

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In continuation of this Department’s policy circular letter of even number dated 28.06.2000 and 12.04.2002 on the subject noted above, I am directed to state that the Chief Minister Punjab/Competent Authority has been pleased to approve that the following proviso may be added to the revised criterion as contained in para 1 (ii) of this Department’s letter dated 12.04.2002 referred to above for scrutiny of cases under the scheme regarding grant of BS-21 and BS-22 to the Technical and Professional officers in specially meritorious cases:-

> “Provided that the period of deputation of the officers concerned spent on assignments directly related to their respective professions may be counted towards active service in BS-20 and BS-21 as the case may be.”

2. The above proviso in the revised criteria may kindly be brought to the notice of all concerned.

No. SO(C-I)1-2/96(P)
Dated the 8th October, 2005

Subject: GRANT OF BASIC PAY SCALED 21 AND 22 TO TECHNICAL AND PROFESSIONAL OFFICERS IN SPECIALLY MERITORIOUS CASES

In continuation of this Department's Policy Circular letters of even number dated 28.06.2000, 12.04.2002 & 09.08.2004 on the subject noted above, I am directed to state that the Establishment Division, Government of Pakistan has further elaborated the stipulated criteria regarding grant of BS-21 and BS-22 to Technical and Professional Officers on account of Meritorious Service and has prescribed following parameters for the subject scheme which have been laid down by the Finance Division's O.M. No. F.2(3)-R-3/86, dated 07.04.1987 (SI. No. 74, Page 780, Estacode 2000), and by the Establishment Division Vide OM No. 8/2/7-CP-4, dated 29.12.2001.

2. The conditions mentioned below must be fulfilled by the technical and professional officers for grant of BS-21 and 22:

i) In specially meritorious cases, BS-21 or BS-22, along with allowances and fringe benefits may be allowed with the approval of the Competent Authority, to technical and professional officers without requiring them to move from their technical posts where their expertise is particularly needed.

ii) The maximum number of posts for grant of BPS-21 and 22 shall not exceed 12 ½ % i.e. (1/8) of existing technical and professional posts in BPS-20 in each administrative division of the Federal Government, including its attached departments and subordinate offices. The number of such posts in BPS-20 should be calculated separately to form one single post for each administrative division.

iii) The number of technical posts calculated for the purpose of grant of scale 21 or 22 is subject to the availability of suitable persons for such grant.

iv) The grant of scale 21 and 22, as the case may, be shall be admissible only once to the officer in his career.

v) Grant of scale 21 or 22 to the officer will be personal to him. There would be no need to upgrade the post. He would, however, carry this higher scale in the event of his transfer to another post.

vi) 80% of the ACR in BS-20 and above should be very good.

vii) No adverse or average report in BS-19 and above.

viii) He should have completed 22 years of service in scale 17 and above for the grant of scale 21 or 22.

ix) For BS-22 a minimum 5 years active service in BS-20 and above, including 3 years in BS-21, excluding deputation and leaves period (4 months or more), is required.

x) For BS-21, a minimum of 3 years active service in BS-20, excluding leave period (4 months or more) and deputation, is required.

xi) The officer holds the technical post in the cadre concerned on regular basis and possesses professional/technical qualifications as laid down in the recruitment rules.

xii) His expertise is particularly needed in the technical post held by him.

xiii) The proforma and formalities will be completed by the concerned Division and signed by at least a BS-20 officer of the division.

Following documents are attached for each officer:

a) Statement containing service particulars and eligibility conditions in respect of each officer.

(b) Proforma for submission of the proposal for each officer, containing particular of posts/officer, qualifications, seniority, job description, performance indications, achievements, synopsis (ACR) for 5 years, particulars of publications, etc. (Page 784 Estacode 2000).

xiv) Following Professionals are eligible as per para 6 (C) of notification:

Doctors, Engineers, Educationists, Economists, Management Accounts, Scientists, Archaeologists, Geologists, Meteorologists, Experts in Agriculture, Animal Husbandry, Forestry and *Public Architects.

3. Meritorious grants of BS-21 to technical and professional officers are to be given due to exemplary contribution by the officers concerned in their respective fields, as the name itself suggests. The para 12 of the specified proforma and Notification of 2001 direct that specific achievements of the officer and last 3 years measurable performance indicators must be mentioned. This in the past cases included research work of high caliber, productivity, inventions, creative innovations, etc., resulting in substantial improvement of efficiency and service delivery.

4. In this regard, perusal of Federal Government's Office Memorandum bearing No. 08.01.2004.CP-5 dated 26.07.2005 further reveals that particularly, the following information must also be provided in addition to above, as desired by the Selection Committee:

a) Total number of sanctioned BS-20 technical posts in the division.
b) The number of pool posts (12 ½ % of the total posts).
c) The posts already occupied (officers in position)
d) The number of pool posts actually vacant.
e) List of officers on the panel (Seniority wise)
f) Justifications for ignoring senior officers (if applicable)
g) The proposed officer fulfils all the conditions enumerated in the annexure to this letter.
h) At least a BS-20 officer must sign the documents sent, and furnish a certificate that all the contents are verified and the proposed officers fulfill all the criteria.
i) In which Category of technical officers is the officer nominated, from the list enumerated in Para 2 (xiv) of annexure.
j) The justification for condition in Para 2 (i) and (xii) of the annexure.

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*Word 'Public Architects' included vide letter No. SO(C-I) 1-2/2011 dated 11.04.2012

k) The specific achievements of the officer, as required in Para 3 of the annexure.

5. The above position regarding modification in the stipulated parameters/criteria may kindly be brought to the notice of all concerned for information and strict compliance in pursuance thereof.

No. SO(C-I)1-2/96(P)
Dated the 12th April, 2002

Subject: GRANT OF BASIC PAY SCALED 21 AND 22 TO TECHNICAL AND PROFESSIONAL OFFICERS IN SPECIALLY MERITORIOUS CASES

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In continuation of this Department's letter No. SO (C-I)1-2/90 (P) dated 28.06.2000 on the subject noted above, I am directed to state that the Governor Punjab/Competent Authority has been pleased to approve the following revised criteria for scrutiny of cases under the Scheme regarding grant of BS-21 and BS-22 to the Technical and Professional officers in specially meritorious cases as laid down in Government of Pakistan, Cabinet Secretariat, Establishment Division Letter No. 8/2/97-CP-4 dated 29.12.2001:

(i) 80% of the ACRs in BS-20 and above should be very good.
(ii) Minimum of 3 years active service in BS-20 or BS-21 and 5 years active service in BS-20 and above including 3 years in BS-21 for BS-22 including the period of long leave (4 months or more) and deputation.
(iii) No adverse or average report in BS-20 and above.
(iv) The officer should have made some significant contribution in his field of specialization.

Para 2 of this Department circular letter dated 28.06.2002 referred to above shall stand amended accordingly.

2. All the Administrative Departments are requested to forward proposals for grant of BS-21 and BS-22 to the Technical and Professional Officers on priority basis to this Department which should also contain the following information on the proforma attached herewith:

(i) Job Description of the post held by the officer.
(ii) Professional qualifications required for the post.
(iii) Professional qualifications possessed by the officer.
(iv) Performance indicators prescribed for the post and achievements of officer in measurable terms during last year.
(v) Details of research papers/books authorized by the officer with the names of journals in which research papers were published.
(vi) Details of significant contribution made by the officer in his field of specialization.

No. SO(C-I)1-2/96(P)
Dated the 28th June, 2000

Subject: GRANT OF BASIC PAY SCALED 21 AND 22 TO TECHNICAL AND PROFESSIONAL OFFICERS IN SPECIALLY MERITORIOUS CASES

I am directed to say that the Finance Division, Government of Pakistan, while sanctioning the scheme of pay scales and fringe benefits of civil employees of the Federal Government in 1983, through its memorandum No. F-I (I)-Imp/83 dated 18.08.1993 vide para No. 7 (c), provided as under:

> "In specially meritorious cases, Basic Scale No. 21 or BS-21 along with allowance and fringe benefits may be allowed, with the approval of the President, to technical and professional officers without requiring them to move form their technical posts where their expertise is particularly needed. The number of such beneficiaries will not exceed 12.5% of the total number of posts in BS-20 in any particular cadre under the Federal or a Provincial Government."

2. In furtherance of the above, the Finance Division, in consultation with the Establishment division, laid down the following modalities regarding grant of BS-21 and BS0-22 in meritorious cases vide No. F-2 (3)-R.3/86 dated 07.04.1987. Twenty (20) posts were allocated to the Punjab Province subject to availability of suitable persons. It was, inter alia, laid down that:

1. The Provincial Government may set up their own provincial boards/committees.
2. The following conditions will be kept in view while making recommendations in specially meritorious cases:

   (i) The officer holding technical/professional post in BS-20 on regular basis and possessing such technical/ professional qualifications as may be laid down in the recruitment rules will be eligible for consideration.
   (ii) He should have completed 22 years of service in Scale No. 17 and above.
   (iii) His confidential report should be good/very good without any adverse entry.
   (iv) His expertise should be particularly needed in the technical post held by him.

3 It was further laid down that the Provincial Special selection Board/Committee should process the cases on the basis of the above instructions and forward its recommendations to the Establishment Division in the form of a summary over the signatures of the Chief Secretary to obtain orders of the Prime Minister. The approval shall be conveyed by the Establishment Division to the Provincial Government concerned.

4. Twenty (20) posts allocated to the Punjab were further distributed in the province as under:

(a)	Health Department	
	i. Teaching cadre	10 posts
	ii. Specialist Cadre	1 post
	iii. General Cadre	2 posts
(b)	Engineering Department	3 posts
(c)	Education Department	2 posts
(d)	Miscellaneous	2 posts

5. Till date, promotions to the above mentioned posts have continued to be made in accordance with the above instructions. The Provincial Board, in its meeting held on 25.09.1999, observed that the distribution of the posts was not equitable, especially in the present circumstances when the number of BS-20 officers stands substantially increased on account of introduction of four-tier service structure in the Education Department and various other re-structural measures.

6. The Chief Minister constituted a Special Committee to examine the existing policy. The above said Committee held a series of meetings and carefully looked in to the policy instructions and made the following recommendations which have been approved by the Competent Authority:

(a) The criteria for selection of suitable persons for the grant of BS-21 /BS-22 laid down by the Federal Government should continue to be followed and an officer having one adverse reports in his career should not be considered.

(b) Since the policy for the grant of BS-21/BS-22 meritorious cases to the officers of the Provinces has been framed by the Federal Government, therefore, same may be followed as usual, irrespective of the fact that the Provincial Government is fully competent to grant BS-21/BS-22 to its employees.

(c) These twenty posts should not be brought on the regular cadres of the technical departments because the spirit of the policy is to grant BS-21/BS-22 in recognition of the excellent performance made by the officers on their jobs. Placing the quota in the cadre of a service will defeat the purpose of meritorious selection and will reduce the process to the routine consideration on 'Seniority-cum-fitness'. Encadrisation of posts should, therefore, be avoided.

(d) The Committee recommended reallocation of BS-21/BS-22 amongst the technical and professional departments keeping in view the present department-wise strength of BS-20 officers, as below:

1.	Health	8 posts
2.	Education Department	4 posts
3.	Engineers	2 posts
4.	Pool	6 posts

7. The allocation is subject to periodical reviewal.

8. I am, therefore, directed to request that the above policy of the Government should be given wide publicity and cases for grant of BS-21-22 under this scheme to the eligible officers holding posts in BS-20 may be furnished to the S&GA Department in the form of Working Paper to be placed before the Provincial Selection Board for appropriate recommendations.